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THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013

APPLICATION FOR VARIATION UNDER SECTION 36 C OF THE ELECTRICITY ACT 1989

Dear Debbie,

Farr Windfarm Limited ('the Applicant'), 2 Lister Square, c/o Morton Fraser, Quartermile Two, Edinburgh, EH3 9GL, Company Number: SC166005, a wholly owned subsidiary of Ventient Energy Limited (Ventient) is submitting an application under Section 36C (s36C) of The Electricity Act 1989 ('the Act') as amended in order to extend the operational period of Farr Wind Farm (hereafter referred to as Farr) from 25 years to 35 years.

The Applicant is the owner and operator of Farr in reliance on the existing Section 36 Consent dated 5 October 2004 as granted by the Scottish Ministers ("Section 36 Consent"). A direction under section 57 of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted was also given on the same date ("deemed planning permission"). The existing Section 36 Consent was granted to Npower Renewables Limited, now known as Innogy Renewables UK Limited (Company Number 02550622). The Section 36 Consent was subsequently assigned to Farr Windfarm Limited on or around 6 December 2006.

A copy of the Section 36 Consent is enclosed as Appendix 1. Farr is located on the Kyllachy Estate, 8 miles south of Inverness and comprises 40 wind turbines, each with a capacity of 2.3MW providing an overall capacity of 92 MW. The wind farm is located south-east of Farr and west of Tomatin, Inverness-shire, on open moorland to the east of the Monadhliath Mountains, Figure 1, Appendix 2. It is located off the A9 between the Findhorn and Nairn valleys. Farr has been operational since December 2005 and the current Section 36 Consent expires in December 2030.

The Proposed Variations

The Applicant is seeking to amend the Section 36 consent with the following effect:

- Extend the operational period of Farr Wind Farm from 25 years to 35 years.

The proposed variation of condition 3.1 attached to the Section 36 Consent is set out in Appendix 4 to this letter. Changes are shown in red in the context of the existing condition 3.1. No additional changes to condition 3.1, or changes to other conditions of the Section 36 Consent are sought.

A s36C variation application would, if granted, allow the continuation of operations rather than decommissioning after the consented 25 year period. No changes to existing turbines or infrastructure are proposed. In other words, the s36C application only seeks a life extension. The Applicant is not seeking a direction from Scottish Ministers under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, either that the deemed planning permission is varied or that a new deemed planning permission is granted.



RSK Environment Limited has been commissioned by Ventient to compile the s36C variation application. Following advice from The Scottish Government Energy Consents Unit (ECU) and The Highland Council (THC) planning department, this application comprises an Environmental Report and associated appendices and augments the information already available within the Environmental Statement (ES) originally prepared for Farr. It contains the necessary information required to allow the application to be considered by the ECU, statutory consultees such as The Highland Council (THC), Scottish Natural Heritage (SNH) and The Scottish Environment Protection Agency (SEPA) as well as the public.

Screening under EIA Regulations (discussed further on page 4 of this letter) has been undertaken and the Screening Opinion concluded that the variation does not require EIA.

Reason for seeking the variation

Under section 36C(4) of the Act the Scottish Ministers must have regard to the Applicant's reasons for seeking a variation to the Section 36 Consent.

Within their portfolio, Ventient has a number of wind farms that are significantly older than Farr. Over the last three years, Ventient have conducted Engineering Life Extension analysis on a number of wind farms, which provides information on the needs of each individual wind farm but also gives assurance that other wind farms in the portfolio can operate beyond the term of their original consents.

A range of maintenance improvements are already being implemented on Farr including blade inspections using drone technology which can help identify potential issues earlier. In addition, all wind turbines at Farr are installed with vibration monitoring systems which provide advance notification of defect formation and allows proactive monitoring and change out of components before potential failure. Further details are provided in the Statement on the Inspection, Servicing, Maintenance and Repair Programme for Farr which is provided in Appendix 1 of the Environmental Report.

The proposed extended period of generation would enable Farr to generate renewable energy for a longer period of time which would contribute to the Scottish Government's target on CO₂ reduction levels.

S42 Permissions

No S42 planning permissions¹ have been granted in relation to Farr. Farr was built out pursuant to the deemed planning permission.

Structure of the Environmental Report

Utilising a topic-based structure, the Environmental Report assesses the predicted effects occurring as a result of extending the life of Farr.

The Environmental Report is structured as follows:

- Section 1 sets out the document purpose, project background, development planning requirements, physical characteristics, benefits and location of the development and describes the pre-application consultation undertaken and method of assessment used;
- Section 2 describes the characteristics of likely effects on landscape, ecology and ornithology, archaeology, hydrology, noise, socio economic assessment, transport and electromagnetic interference and other issues;
- Section 3 provides a schedule of mitigation; and
- Section 4 provides a summary and conclusions.

Appendices to the document include:

- Appendix 1: Supporting Information; and

¹ Permissions granted pursuant to applications under section 42 of the Town and Country Planning (Scotland) Act 1997

- Appendix 2: Consultation Information

For ease of reference, the main chapters from the Farr ES are detailed in Table 1 along with a reference to the relevant section of the Environmental Report which describes the characteristics of likely effects and any mitigation requirements.

Table 1 Reference to Farr ES

Farr ES Chapter Details	Section of Variation Application Report
Chapter 5 – Landscape and Visual Assessment	2.1 – Landscape & Visual Effects
Chapter 6 – Ecology	2.2 – Ecology and Ornithology Effects
Chapter 7 – Ornithology	2.2 – Ecology and Ornithology Effects
Chapter 8 – Archaeology	2.3 – Cultural Heritage and Archaeology Effects
Chapter 9 - Hydrology	2.5 – Scoped out Effects
Chapter 10 – Noise	2.4 – Noise Effects
Chapter 11 – Socio-Economic Assessment	2.5 – Scoped out Effects
Chapter 12 - Transport	1.6 – Physical Characteristics of the Development
Chapter 13 – Electromagnetic Interference and Other Issues	2.5 – Scoped out Effects

Pre-Application Consultation

As part of the s36C variation application process, consultation and information relevant to the proposal were sought by RSK from a number of organisations including:

- The Highland Council;
- Scottish Environment Protection Agency;
- Scottish Natural Heritage; and
- The Scottish Government Energy Consents Unit

This consultation assisted in focussing the scope of the application and associated assessment described herein. Responses have been addressed throughout the Environmental Report. The key correspondence received from SNH and SEPA is provided in Appendix 2 of the Environmental Report.

EIA Screening

A letter dated 13 May 2020 was issued to the ECU by RSK requesting, on behalf of the Applicant, a screening opinion in respect of a proposed application under s36C to vary the existing Section 36 Consent for Farr.

The proposed variation requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (‘the

regulations'). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion on whether the proposed variation is or is not Environmental Impact Assessment (EIA) development.

A screening opinion from Scottish Ministers was received dated 03 July 2020. This confirmed that Scottish Ministers are of the opinion that the proposed life extension does not constitute EIA development and that any application submitted for this development does not require to be accompanied by a full EIA report.

Public Engagement

Although not a statutory requirement for a s36C application, Ventient decided to undertake public engagement activities with the local community to inform them about the proposed application and provide an opportunity to address any questions or concerns.

Zoom meetings were undertaken with Strathnairn and Strathdearn Community Councils on the 3rd and 4th June respectively. Each meeting was attended by members of the Community Councils and in the case of Strathdearn Community Council, this included a representative of Strathdearn Community Developments. Ventient gave a presentation which comprised background information on Ventient as a company, the day to day running of Farr and the scope of a life extension application and what this would mean for local communities. A question and answer session then followed. Both meetings were considered productive and appeared to be well received by the attendees.

Ventient discussed with each Community Council how they could best reach all members of the community and agreed to provide further information to be disseminated through a number of channels including as an insert to a newsletters (which reached all homes in the community), the Community Council's websites and social media channels.

Consultation leaflets were produced and emailed to Community Councils on the 26th June 2020 and hard copies of the leaflets have also subsequently been provided to both Community Councils for inclusion and distribution with their Council newsletters.

A dedicated e-mail address has been publicised as part of the community engagement activities which anyone with queries and questions about the proposed life extension can utilise to secure feedback.

Information on the proposed application and community engagement activities has also been sent to ward councillors.

Publication and Service of Notice of Application

The variation application and the Environmental Report will be advertised in accordance with The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 as follows:

- **The Inverness Courier** Friday 4th September 2020
Friday 11th September 2020
- **Edinburgh Gazette** **Friday 4th September 2020**
- **The Herald** Friday 4th September 2020

Notice of the s36C variation application has also been served on the owner and occupier of the land to which the application relates.

A copy of the notice in agreed terms is enclosed with this letter (Appendix 3.)

The variation application and the Environmental Report can also be viewed on the 'application website' accessed via the following link: <https://www.ventientenergy.com/our-portfolio/farr/>

A copy of the application has also been served on The Highland Council in accordance with Regulation 4(2) (b) of The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013.

On the basis of the information provided in this variation application and in the supporting documents (including Environmental Report) the Applicant requests that the Scottish Ministers grant the variation



application and makes the proposed variations to the relevant section 36 consent, subject to such other directions or conditions as the Scottish Ministers may see fit.

Yours sincerely,

Robert Beck

EIA Project Manager

For RSK Environment Limited

Appendix 4 – proposed variation to the Section 36 Consent

The following variation to condition 3.1 of the Section 36 Consent is sought (changes shown in red):

3.1 The consent is for a period from the date of this consent until ~~25~~ 35 years from the date of commissioning, but declaring that:

a) the development shall cease to generate electricity on the date 35 years from the date of commissioning;

b) the decommissioning of the development in accordance with the approved decommissioning scheme referred to in condition 3.4 shall commence within 18 months of the development ceasing to generate electricity in line with (a) above, or as otherwise specified in the approved decommissioning scheme referred to in condition 3.4; and

c) thereafter the decommissioning of the development shall be completed within the period (“decommissioning period”) as directed in line with condition 3.3 and as specified in the approved decommissioning scheme referred to in condition 3.4.

The company is required to obtain by no later than the end of said ~~25~~ decommissioning period, written confirmation from the planning authority that all decommissioning works have been completed in accordance with the approved decommissioning scheme referred to in condition 3.4 of this consent. Written confirmation of the date of the commissioning shall be provided to the planning authority within 1 month of the commissioning of the development, and the date of commissioning shall be no later than 5 years from the date of this consent, or such longer period as the Scottish Ministers may hereafter direct in writing. This consent shall cease to have effect after the end of 5 years from the date hereof if any material operation relevant to the development has not been substantially commenced by that date.