



21 November 2022

65 Sussex Street
Glasgow G41 1DX
UK

Telephone: +44 (0)141 418 0471
www.rsk.co.uk

Kirstin Keyes

Scottish Government Energy Consents Unit

4th Floor, 5 Atlantic Quay

150 Broomielaw

G2 8LU

Our Ref: G/P/663638/02/04

ECU Ref: ECU00004652

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 Kirstin,

Galawhistle Wind Farm Limited ('the Applicant'), Company Number: 07715284, with its Registered Office at Connect House 133-137 Alexandra Road, Wimbledon, London, United Kingdom, SW19 7JY, a wholly owned subsidiary of Ventient Energy Limited 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 Galawhistle Wind Farm (hereafter referred to as Galawhistle) from 25 years to 35 years.

The Applicant is the owner of Galawhistle in reliance on the existing Section 36 Consent dated 26 May 2015, 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"). Galawhistle is operated by Ventient Energy Ltd (Ventient).



RSK Environment Ltd

Registered office
65 Sussex Street • Glasgow • Scotland • G41 1DX • UK
Registered in Scotland No. 115530

www.rsk.co.uk



In September 2014, a variation application was submitted to the Scottish Ministers (ECU reference: EC00003123) for several variations to the original 2012 consent, as necessary to:

- a. To formalise use of a 45m blade length within the consented wind turbine blade tip height limits.
- b. To amend the overall maximum capacity of the site from 55 MW to 66 MW.
- c. To amend the locations of 2 electrical substations and associated infrastructure, and to provide an additional construction compound.
- d. To remove the construction compound and laydown area located on Spireslack colliery as part of the Consented Development.
- e. To amend wind farm access track layouts, chiefly to replace tracks to wind turbines which previously ran through Spireslack colliery as part of the Consented Development.
- f. To realign borrow pits 2 and 3 to accommodate revised track layout, and to include working areas next to all consented borrow pits.

The variation was consented in May 2015, and the wind farm was built and became fully operational in March 2017.

Galawhistle is located approximately 7 km east of Muirkirk in East Ayrshire and 5 km west of Douglas in South Lanarkshire. The site occupies an area of approximately 594 hectares (primarily consisting of upland moorland) and its highest point is 463m Above Ordnance Datum (AOD). The wind farm layout comprises 22 Vestas V90 wind turbine generators, with 65m and 75m hub heights, and 45m blade lengths; 20 wind turbines are located in South Lanarkshire and 2 turbines are located in East Ayrshire. With each wind turbine generator having a 3 MW capacity, Galawhistle has an overall installed capacity of 66 MW. Associated infrastructure includes a substation, onsite access tracks and underground cabling.

Galawhistle has been operational since March 2017, and the current Section 36 Consent expires in March 2042. It is not proposed to alter or physically change any aspect of the existing Galawhistle Wind Farm.

The Proposed Variations

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

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

The proposed variation of condition 1 (Part 1) attached to the Section 36 Consent is set out in Appendix 1 to this letter. Changes are shown in red in the context of the existing condition 1. No additional changes to condition 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.

RSK Environment Limited has been commissioned by Ventient to compile the s36C variation application. Following advice from The Scottish Government Energy Consents Unit (ECU), this application comprises an Environmental Report and associated appendices and augments the information already available within the Environmental Statement (ES) originally prepared for Galawhistle. It contains the necessary information required to allow the application to be considered



by the ECU, statutory consultees; NatureScot, the Scottish Environment Protection Agency (SEPA), Historic Environment Scotland (HES), as well as the public.

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 Galawhistle. Ventient has developed considerable in-house engineering capability to allow them to safely operate their wind farms for longer and are currently showing this on wind farms that are over 20 years old. Ventient has 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 planning consent.

The proposed extended period of generation would enable Galawhistle 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 permissions have been granted in relation to Galawhistle. Galawhistle 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 Galawhistle.

The Environmental Report is structured as follows:

- Section 1 sets out the structure of the document;
- Section 2 sets out the document purpose, project background, development planning requirements, physical characteristics, benefits and location of the development, and method of assessment used;
- Section 3 describes the characteristics of likely effects on landscape, ecology, and ornithology issues;
- Section 4 provides a schedule of mitigation; and
- Section 5 provides a summary and conclusions.

Appendices to the document include:

- Appendix 1: Supporting Information; and
- Appendix 2: Consultation Information

For ease of reference, the main chapters from the Galawhistle 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 Galawhistle ES

Galawhistle ES Chapter Details	Section of Variation Application Report
Chapter 5 – Landscape and Visual Impact Assessment	3.1 – Landscape & Visual Issues
Chapter 6 – Ecology	3.2 – Ecology and Ornithology Issues
Chapter 7 – Ornithology	3.2 – Ecology and Ornithology Issues
Chapter 8 – Hydrology, Hydrogeology and Geology	3.3 – Scoped out Issues
Chapter 9 – Cultural Heritage	3.3 – Scoped out Issues
Chapter 10 – Noise	3.3 – Scoped out Issues
Chapter 11 – Traffic and Transport	3.3 – Scoped out Issues
Chapter 12 – Socioeconomics, Tourism and Land-use	3.3 – Scoped out Issues
Chapter 13 – Other Considerations	3.3 – Scoped out Issues

Pre-Application Consultation

As part of the s36C variation application process and to agree assessment scope, consultation was undertaken with a number of organisations including:

- South Lanarkshire Council (SLC);
- East Ayrshire Council (EAC);
- NatureScot; and
- The Scottish Government Energy Consents Unit (ECU).

Their response assisted in focussing the scope of the application and associated assessment described herein. Responses received have been addressed where relevant throughout the Environmental Report.

EIA Screening

A letter dated 29 June 2022 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 Galawhistle.



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 06 October 2022. 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.

Publication and Service of Notice of Application

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

- **The Herald:**
 - 30th November 2022
- **Edinburgh Gazette:**
 - 29th November 2022
- **Carlisle and Lanark Gazette:**
 - 30th November and 7th December 2022
- **Cumnock Chronicle**
 - 30th November and 7th December 2022

The Environmental Report along with further information in relation to the variation application can also be viewed on the 'application website' accessed via the following link: <https://www.ventientenergy.com/our-portfolio/galawhistle/>

A copy in electronic form of the application documentation has also been served on South Lanarkshire Council and East Ayrshire 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 make 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 1 – proposed variation to the Section 36 Consent

The following variation to condition 1 (Part 1) of the Section 36 Consent is sought (changes shown in red):

*“This consent is for a period from the date of this consent until the date occurring ~~25~~**35** years after the Final Commissioning of the Development. Written confirmation of the date of the Final Commissioning of the Development shall be provided to the Planning Authorities and Scottish Ministers no later than one calendar month after that event”.*