



ECONOMY, ENVIRONMENT AND FINANCE

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Your reference:

Our reference: 20/01293/S36SCN

20 November 2020

Dear Sir(s)/Madam

ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 – Screening request (Regulation 8)

20/01293/S36SCN

**Vary Section 36 Screening Opinion 17/00419/S36SCN at Milltown Airfield Elgin
Moray IV30 8NQ**

The request relates to the consented Section 36 consent at Milltown airfield for the production of energy via a solar photovoltaic panel array, where a section 36C variation is sought to increase the duration of the consent from 30 years to 40 years. Apologies for the delay in replying to the screening request.

Noting the original screening opinion in 2017, an assessment has been made of the implications of the increased duration upon the locality and against the screening criteria now in place under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. As a Schedule 2 development, the criteria in Schedule 3 of the 2017 Regulation covered under the headings of Characteristics of the Development, Location of the Development and Characteristics of the potential impact have been considered. We are also mindful and aware of the Guidance Note relating to variation of Section 36 consents and borne this in mind. The applicants have helpfully submitted and populated a table examining the screening headings and subheadings under the 2017 Regulations.

It is note that on site, there have been no physical changes to the site itself, other than of note, there has been some tree felling south of the site, within locality of the listed Innes House. This felling would not however directly bear upon the proposed variation from 30-40 years where such a timescale would be host to intervening tree planting and decades of tree growth in the areas to the south. While the extended duration would see the array present for a substantively longer period of time, it would not, whilst operation result in continuous excessive noise, vehicle movements, or other amenity issues.

On the basis of the above, and looking through the various submissions including the applicants own review of schedule 3 headings, Moray Council consider there to be no significant effects on the Environment from the proposed variation. We concur with the applicants Schedule 3 table assessment. Environmental Impact Assessment procedures are not required for the proposed variation. In terms of mitigation, it is noted that several of the conditions of the Section 36 consent about the timing of hedge provision and pre-construction ground nesting surveys will have already been put in place or planted and maintained as part of the initial Section 36. There is no reason to presume that the hedging wouldn't be maintained longer to provide the necessary screening and as such the extended duration would have no significant effect.

Yours faithfully

Neal MacPherson
Principal Planning Officer