

Chapter 3: Approach to EIA

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3. Approach to EIA – Comparative Environmental Assessment

3.1. Introduction

- 3.1.1. This Chapter sets out the general approach that has been taken to complete the EIAR of the Proposed Varied Development. This will include reference to the legal framework, relevant guidance, and the assessment parameters associated with the Proposed Varied Development. This chapter will explain how the EIAR complies with EIA regulations and aligns with best practices. It will also define significance within the EIAR and detail the approach used to assess environmental and social impacts.

3.2. Legislative and Regulatory Context

- 3.2.1. As stated in **Chapter 1: Introduction**, the Consented Development gained approval under Section 36 of the 1989 Act, and an application to vary this consent has been submitted to the Scottish Ministers via the ECU under a Section 36C Variation of the 1989 Act. This Proposed Variation application has been developed in compliance with the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013, as amended ('the 2013 Regulations'), and a request has been made for the Scottish Ministers to issue a direction granting deemed planning permission under Section 57(2) of the 1997 Act.
- 3.2.2. This EIAR has been prepared in accordance with the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As amended) (hereafter referred to as the '2017 EIA Regulations'). Regulation 28(1) of the 2017 EIA Regulations provides that for variation applications to EIA development, an Environmental Impact Assessment must be carried out. In that regard, Regulation 4(2) applies to this Proposed Varied Development and the EIAR identifies, describes and assesses the likely direct and indirect significant effects of the Proposed Varied Development on the factors specified in Regulation 4(3):

"3) The factors are—

(a) population and human health;

(b) biodiversity, and in particular species and habitats protected under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds;

(c) land, soil, water, air and climate; and

(d) material assets, cultural heritage and the landscape."

- 3.2.3. Regulation 28(2)(c)(i) of the 2017 EIA Regulations then provides that an EIA report which accompanies a variation application must include: *“the main respects in which the developer considers that the likely significant effects on the environment of the proposed varied development would differ from those described in any EIA report or environmental statement, as the case may be, that was prepared in connection with the relevant section 36 consent”*.
- 3.2.4. Regulation 5(4) of the 2017 EIA Regulations states: *“With a view to avoiding duplication of assessments, account is to be taken of the available results of other relevant assessments in preparing the EIA report.”* Therefore, to prevent duplication, and where appropriate, the previous environmental information listed below have been taken into account for the preparation of this EIAR:
- **2021 EIAR: Achany Extension Wind Farm Environmental Impact Assessment Report, July 2021.** Prepared for the Section 36 application for a proposed 20 turbine layout; and
 - **2022 AIR: Achany Extension Wind Farm Additional Information Report, May 2022.** Produced as part of the Section 36 application to identify changes to the assessment for a proposed revised 18 turbine site (the Consented Development).
- 3.2.5. To address the requirements of Regulation 28, the four-step process, outlined in Section 1.6 of **Chapter 1: Introduction**, has been completed to enable a comparative environmental assessment to be carried out:
- i. Summary of likely significant effects of the Consented Scheme;
 - ii. Sensitivity analysis of the relevant environment assessments that were prepared for the consented scheme to ascertain if the results remained appropriate, or if an updated assessment would be required;
 - iii. Provide an assessment of the effects of the Proposed varied Development; and
 - iv. Provide a description of the mains aspects in which the effects of the Proposed Varied Development differ from those identified for the consented scheme.
- 3.2.6. Details on assessment scope and methodologies are described in each technical chapter (**EIAR Volume 2: Chapters 5-15**). The EIAR will highlight any new significant effects introduced as a result of the Proposed Varied Development, as well as any change in intensity of existing effect (stated within the **2021 EIAR** and **2022 AIR**) to a significant level.