



Loco₂gen

Renewable energy specialists

Locogen Consulting Ltd

4 West Silvermills Lane

Stockbridge

Edinburgh, EH3 5BD

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Energy Consents Unit

5 Atlantic Quay

150 Broomielaw

Glasgow

G2 8LU

Application under Section 36C of the Electricity Act 1989 to Vary the Consent Issued by the Scottish Ministers dated the 21st of October 2022 (ECU00000474) relating to Rothes III Wind Farm ("the Consent")

Dear Sir/Madam,

Further to our previous discussions and correspondence with Debbie Flaherty in relation to the above, please accept this letter and supporting documents as the application under Section 36c of The Electricity Act 1989 (Electricity Act), in accordance with the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 ("the 2013 Regulation") for a Variation to the Consent made on behalf of Rothes III Limited, with company registration number SC307540 ("the applicant") dated the 21st of October 2022.

The proposed variation (ref: ECU00005150) is in respect of the Consent for Rothes III with a generating capacity exceeding 50MW, located approximately 4 kilometres to the west of Rothes village and just over 2.5 kilometres north of the village of Archiestown in Moray. The consented development is for 28 turbines, turbines numbered 9, 13 and 14 will have a maximum tip height of 149.9 metres, turbines numbered 1, 2, 3, 4, 5, 6, 7 and 29 will have a maximum tip height of 200 metres and turbines numbered 8, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 which will have a maximum tip height of 225 metres. This Application is to increase of the tip height of 3no turbines (turbines 9, 13 and 14) from an overall height not exceeding 149.9m to an overall height from base to tip not exceeding 200m.

The environmental effects of the proposed variation have been considered as set out in the documents accompanying the Application. It has been found that the change proposed to the authorised development will not have significant effects on the environment. Therefore the development which is the subject of the Application does not fall within the definition of "Schedule 2" Development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Regulation 2(1) and Schedule 2, Paragraph 2 and is therefore not EIA development.

This Section 36C Application ("the Application") is accompanied by the following:

- A Planning and Environment Report with Appendices which addresses environmental effects, design and access and relevant energy and planning policies.

- Appendix 1 - Site Plan, ref: 8298-DRW-DES-0002-Site Location-v1.0
- Appendix 2 – Landscape and Visual Assessment plus associated figures and wirelines
- Appendix 3 – Decision letter for Rothes III Wind Farm
- Appendix 4 – PLI Report for Rothes III Wind Farm
- Appendix 5 – Full proposed amended Annex 1 and 2 part 2 and Annex 3 amended plan
- Appendix 6 – Noise Assessment
- Appendix 7 – Ornithology and Ecology Assessment
- Appendix 8 – Cultural Heritage Assessment
- Appendix 9 – The Requirements of Regulation 10 of the Electricity Works (Environmental Impact Assessment) Regulations 2017 (“the Regulations”)
- Appendix 10 – Aviation Assessment
- Appendix 11 – Consultant CVs

The documents from the original application can be found via the following web link:

<https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00000474>

The Applicant will publish on a website (<https://fredolsenrenewables.com/windfarm-collection/united-kingdom/rothes-iii>)—

- (i) a summary of the variation application;
- (ii) a copy of the variation application cover letter;
- (iii) a link to the relevant section 36 consent and the section 57 direction given on granting it; and
- (iv) the Planning and Environment Report.

The application fee of £90,000 reference ECU36CNROTHESIII has been paid.

We confirm that Moray Council have been served with a copy of the Application and notice of the variation application has been served on the owner/occupier of the Land to which the variation application relates.

A newspaper notice will be published in The Northern Scot for two successive weeks, The Glasgow Herald for one week and the Edinburgh Gazette for one week, with the dates for the notices to be posted to be agreed with the ECU.

We trust that what we have provided is sufficient however, should you require any additional information please do not hesitate to contact me by email: rothes3@locogen.com

Yours faithfully,

Iain McMillan MRTPI

Senior Consents Manager