

# REF

---

## RENEWABLE ENERGY FOUNDATION

---

21 JOHN ADAM STREET, LONDON, WC2N 6JG

TEL: 020 7930 3636. FAX: 020 7930 3637

EMAIL: [research@ref.org.uk](mailto:research@ref.org.uk)

WEB: <http://www.ref.org.uk>

Kim Chowns  
Natural Environment and Environmental Assessment  
Communities and Local Government  
Zone 1/J6, Eland House  
Bressenden Place  
London, SW1E 5DU

21 October 2010

Dear Kim Chowns:

**The Town and Country Planning (Environmental Impact Assessment) Regulations 2010 - Consultation on draft regulations**

I am responding to this consultation on behalf of the Renewable Energy Foundation, a UK charity publishing data and analysis on the UK energy sector: see <http://www.ref.org.uk>

The reputation of the wider renewables industry has been detrimentally affected by poor and unsustainable conduct in wind development, a fact that is openly admitted by some in the field. Indeed, as is well known, one major European-based wind power developer recently removed certain key staff from its UK operation, and cancelled what they themselves refer to as “ill-advised” projects because these were not consistent with the standards of the parent company.

This single instance is a symptom of a much wider problem, some part of which arises from poor implementation of the EIA directive, and much else from inadequate UK guidance.

Since sound EIA regulation is essential to ensuring that development is sustainable, and that the reputation of the wider industry is preserved, we are offering comments on the criteria and thresholds for wind turbines (Annex D), i.e. “Q7. Do you have any comments on the proposed rewording of the criteria in Schedule 2.3(i), and the proposal to increase the threshold from 15 to 18 metres?”

In our judgment the proposed revision is defective in that:

1. It fails to address a notorious fault in the existing regulations, namely that the numerical threshold (two turbines) creates a pathway through which projects that by many other criteria require EIA (for example landscape and visual impact, impact on protected species such as bats, or noise impacts on near neighbours) may pass, thus contravening the spirit of the Directive.
2. The inclusion of any >15 or 18m turbines in Schedule 2 entails the probability that there will be inconsistent application of the requirement for EIA.

These defects undermine the credibility of the EIA process in the eyes of the public, and should be rectified.

**We therefore suggest that all wind turbine applications of >18m in overall height, regardless of number, should be described as Schedule 1 Applications requiring EIA.**

This revision would ensure that the environmental impact of substantial industrial development, such as large wind turbines, would always be considered by EIA, as is surely the intention of Directive.

This would also ensure consistent treatment around the country, and would be a step towards restoring public confidence in the EIA process.

Yours sincerely,



John Constable.