Corriegarth 2 Wind Farm

Schedule of EIAR & SEI Consultation Responses PART 2

Consultee	Contact Details and Date of Response	Electronic Page
PART 1 EIAR		
Cairngorms National Park Authority	ninacaudrey@cairngorms.co.uk 23rd April 2021	3
Crown Estate Scotland	Joan.mcgrogan@crownestatescotland.com 2nd February 2021	20
Defence Infrastructure Organisation	Teena.oulaghan100@mod.gov.uk 22nd February 2021	21
Highland and Islands Airports Limited	safeguarding@hial.co.uk 1st March 2021	27
Historic Environment Scotland	HMConsultations@hes.scot 1st March 2021	28
Ironside Farrar / ECU	21st April 2021	30
Joint Radio Company	windfarms@jrc.co.uk 4th March 2021	52
Mountaineering Scotland	info@mountaineering.scot 15th February 2021	54
NATS Safeguarding	natssafeguarding@nats.co.uk 4th February 2021	60
PART 2 EIAR		
Nature Scot	Debbie.skinner@nature.scot 25th May 2021	3
Ness & Beauly Fisheries Trust	nessandbeauly@gmail.com 4th March 2021	14
North East Mountain Trust	1st March 2021	15
RSPB	Claire.bsmith@rspb.org.uk 31st May 2021	17
Scottish Forestry	Agata.baranska@forestry.gov.uk 4th March 2021	20
Scottish Water	developmentoperations@scottishwater.co.uk 28th January 2021	23
ScotWays	info@scotways.com 3rd March 2021	27
SEPA	Planning.north@sepa.org.uk 12th August 2021	32
Stratherrick & Foyers Community Council		38
Transport Scotland	Gerard.mcphillips@transport.gov.scot 4th March 2021	40
PART 3 SEI		
BT	radionetworkprotection@bt.com 11th May 2022	3
Cairngorms National Park Authority	ninacaudrey@cairngorms.co.uk 24th June 2022	4

Crown Estate Scotland	Olivia.morrad@crownestatescotland.com 26th May 2022	13
Defence Infrastructure Organisation	Teena.oulaghan@mod.gov.uk 24th May 2022	14
Fisheries Management Scotland	brian@fms.scot 30th May 2022	18
Glen Urquhart Community Council	11th July 2022	19
HIAL	hialsafeguarding@traxinternational.co.uk 6th June 2022	22
Historic Environment Scotland	Andrew.stevenson2@hes.scot 16th May 2022	26
Ironside Farrar / ECU	October 2022	28
Joint Radio Company	windfarms@jrc.co.uk 5th May 2022	43
NATS Safeguarding	NATSSafeguarding@nats.co.uk 4th May 2022	45
Nature Scot	Debbie.skinner@nature.scot 31st May 2022	46
Ness & Beauly Fisheries Trust	nessandbeauly@gmail.com 3rd May 2022	48
PART 4 SEI		
Ness District Salmon Fishery Board	ceo@ndsfb.org 30th May 2022	3
RSPB	Claire.bsmith@rspb.org.uk 1st June 2022	4
Scottish Water	developmentoperations@scottishwater.co.uk 28th January 2021	5
SEPA	Planning.north@sepa.org.uk 27th May 2022	9
Transport Scotland	Gerard.mcphillips@transport.gov.scot 31st May 2022	13
PART 5 SEI		
The Highland Council	Roddy.dowell@highland.gov.uk 24th August 2022	1

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Debbie Flaherty
Consents Manager
Energy Consents Unit
The Scottish Government

By email: Econsents_admin@gov.scot

Our ref: CEA161816
Your ref: ECU00002175
Date: 25 May 2021

Dear Debbie,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED CORRIEGARTH 2 WINDFARM DEVELOPMENT IN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL.

Thank you for your e-mail dated 20th January 2021 requesting our advice on the above application and for agreeing to our request for an extension.

Summary

Ness Woods Special Area of Conservation (SAC)

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object to this proposal unless it made subject to conditions so that the works are done strictly in accordance with the mitigation detailed below:**

Mitigation as outlined in section 7.7.2 of the EIAR

- **A pre-construction otter survey**
- **Following the pre-construction otter survey an otter protection plan will be agreed with NatureScot.**

River Spey – Insh Marshes Special Protection Area (SPA)

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

Appraisal of the Impacts of the Proposal and Advice

The Annex to this letter contains full details of our assessment of the impacts on the issues identified above in addition to advice on other aspects of the natural heritage.
We have considered other interests and taken them into account in reaching our conclusion on this proposal.

Background

We have provided a range of pre-application advice to the applicants including pre-application advice through The Highland Council major applications process in October 2019, S36 scoping in March 2020 and Gatecheck advice in June 2020. We have also advised the applicant's landscape consultants on the scope of the wild land assessment and Special Landscape Quality assessment for the Cairngorms National Park.

Concluding Remarks

We ask to be advised at the earliest possible stage about any proposed modifications, conditions or legal agreements relevant to our interests.

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

Should you have any queries about this letter, please contact Debbie Skinner at Debbie.Skinner@Nature.scot

Yours sincerely,

Debbie Greene
Operations Manager
South Highland

Annex

1. Protected Areas

1.2. Ness Woods Special Area of Conservation (SAC)

Ness woods SAC is protected for its mixed woodland and otter qualifying interests. The SAC is located 3.4km west of the access track for Proposed Development and 9.3km north-west of the closest turbine location.

The SAC's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 2017 as amended (the "Habitats Regulations") or for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Scottish Government is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements[1].

In our view, this proposal is likely to have a significant effect on the otter qualifying interest of the site for the reasons outlined below:

- The size of an otter territory of up to 32km therefore there is connectivity with the proposal and the SAC otter; and
- The presence of otters within the survey area as identified by the otter surveys.

Consequently, the Scottish Government, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for this qualifying interests. To help you do this, we advise that in our view on the basis of the information provided and our appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site:

Mitigation as outlined in section 7.7.2 of the EIAR

- **A pre-construction otter survey; and**
- **Following the pre-construction otter survey an otter protection plan will be agreed with NatureScot.**

The appraisal we carried out considered the impact of the proposals on the following factors:

- Suitable habitat for otters was identified within the survey area along with the identification of spraints and two potential resting sites. Otter were also recorded on two tributaries of the River E, Allt a' Ghille Charaich and Allt Bd Fionnaich which flow thought the existing and proposed turbine envelope.

- As otter activity has been recorded within the survey area and considering the SAC is within 9.3km of the closed proposed turbine then we agree with the EIAR which states there is potential for otters within the site to be connected with the SAC.

- During the construction phase there is potential for disturbance to both resting and foraging otters within the Proposed Development boundary. These can be mitigated through a pre-construction survey and suitable otter protection plan.

[1] https://www.nature.scot/sites/default/files/2017-06/A423286%20%20Legislative%20requirements%20for%20European%20Sites.pdf

– During the operational phase there may be minor displacement effects however we consider these will not be significant due to the extent of suitable otter habitat outwith the site boundary.

You may wish to carry out further appraisal before completing the appropriate assessment.

1.3. River Spey – Insh Marshes Special Protection Area (SPA)

The River Spey – Insh Marches SPA is located 19km south east from the Proposed Development and is protected for its range of both breeding and non-breeding raptors, wildfowl, waterfowl and waders.

We advise that due to the separation distance then there is no connectivity between any SPA species and the Proposed Development. We therefore agree with the assessment within the EIAR that the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly. We advise that an appropriate assessment is therefore not required.

2. Landscape and Visual

2.1. Appraisal of Impacts on the Monadhliath Wild Land Area (WLA) 20

2.1.1 Impacts on Qualities of WLA 20

WLA 20 lies directly east, south-east of the Proposed Development, extending approximately 15 km south and 25 km east of the Proposed Development and the wind turbines of the operational Corriegarth Wind Farm.

We advise that the proposal will result in the further erosion of the following Wild Land Qualities (WLQs):

1. A range of massive rounded hills and plateaux that are awe-inspiring in their simplicity, openness and immense scale, and offer panoramic views to distant mountain ranges;
2. An extensive, simple interior with few human artefacts, contributing to a perceived ‘emptiness’ and a strong sense of naturalness, remoteness and sanctuary;
3. A hill range in which many types of recreation take place, but its large, remote interior maintains a sense of sanctuary, challenge and risk; and
4. Long, narrow glens cutting into the hill and plateau edges which are remote, but facilitate access

We agree with the conclusion in the EIAR that adverse effects will be extremely localised and that the wider spread of effects have been minimised by the siting of the proposal in close proximity to the existing wind turbines. However, unlike the EIAR, we consider these adverse effects are significant at a local level based on the following rationale:

– In relation to WLQ 1, we consider the proposal will expand the horizontal extent of panoramic views occupied by wind turbines, specifically at close range combined with the operational Corriegarth wind farm.
– The proposal also affect WLQ 2 as it will be visible from fragmented pockets of land within 5km of the proposal which currently have no visibility of wind turbines.

– WLQ 3 and WLQ 4 will also be affected around the western periphery of the WLA in terms of the sense of sanctuary and remoteness experienced in areas which have no views of existing wind turbines.

Conclusion

We advise that the proposed extension to Corriegarth Wind Farm would result in further attrition of WLA 20's attributes and qualities resulting in localised significant effects on the WLA. However, we consider that effects have been minimised by the siting of the proposal in close proximity to the existing wind turbines.

2.2. Appraisal of impacts on Cairngorms National Park (CNP)

In accordance with our agreement with the National Park Authorities, we have worked closely with CNPA throughout the application process.

Special Landscape Qualities (SLQ) affected by the proposal

The CNP is located approximately 9.7 km from the nearest wind turbine of the Proposed Development.

The assessment of SLQs within the EIAR concludes that the proposed development will not compromise any of the SLQs of the CNP. The EIAR states that the effects on the SLQ, 'vastness of space, scale and height' as minor (high sensitivity – low magnitude). We consider that this under represents the effects of the addition of the proposed development to the existing wind farms and that the it will more than *'slightly extend the influence of wind farm development'* and that the magnitude of change would be medium and the resultant effect moderate adverse and significant due to the increase in elevation and heights of turbines which would be seen:

- almost to the base of some towers, notably from AESLQ1 Carn Ban;
- breaching the skyline, notably from AESLQ 2 Càrn Fhreiceadain and AESLQ 3 A' Chailleach;

We consider that the assessment of effects on other the SLQs within the EIAR are accurate.

Conclusion

We consider that there will be a significant effect on the 'vastness of space, scale and height' SLQ of the CNP, however this will be localised and limited to a number of hill summits on the north western edge at 10 – 15km distant . We advise the proposal will not have an adverse effect on the integrity of the National Park or the objectives of the designation.

2.3. Appraisal of Effects on LCT 221 Rolling Uplands/LN6 Monadhliath ridge and tops, Rolling uplands

The LVIA describes a minor not significant effect for Landscape Character Type (LCT) 221 Rolling Uplands/LN6 Monaliadth ridge and tops, rolling uplands due to a low sensitivity combined with a medium magnitude locally and a low magnitude for the area as a whole. Table 6.11 in the EIAR, identifies a medium sensitivity and therefore we consider that the effects should be described as moderate significant localised, and low, not significant overall.

Significant visual effects will be limited to areas in relatively close proximity to the proposal with intermittent visibility and localised significant effects for road users on the B862 between Dunmaglass Lodge in the north and Loch Tarf in the south and for viewpoint locations 1, 2, 3, 4, 5,

and 7 which lie along or in close proximity to this road at distances of between seven and 12 km distant. There will also be localised significant effects with intermittent visibility from the South Loch Ness Trail from just south of Whitefield in the north to Loch Tarf in the south, and from NCN 78 from Inverfarigaig in the north to Loch Tarf in the south.

We consider that the effects for viewpoint 1, Gorthleck would be moderate significant as the proposed turbines would introduce turbines (only one blade tip of Corriegarth is visible at present) into a view, at a distance of 6.5km, of distinctive, rounded overlapping topography which forms a visual focus.

We also consider that the effects for viewpoint 2. Boleskin Parish Church would be moderate significant as the proposed turbines would introduce further overlapping of turbines, increase the horizontal extent occupied by turbines and add complexity due to the difference in turbine heights.

Conclusion

We advise that proposal will result in significant visual effects on an area south of Loch Ness area including sections of the B882, small settlements such as Whitebridge, Errogie and Gorthleck, and section of the South Loch Ness Trail. These effects are represented by VPs 1-5 and 7.

2.4. Cumulative Effects

We are satisfied that the assessment of cumulative effects within the EIAR is accurate.

2.5. Recommendations/Mitigation

We do not have any further recommendations than the mitigation that is embedded within the proposal.

2.6. Additional Points

Our assessment of impacts on all landscape receptors is based on the current proposal with no aviation lighting. Should visible lights be required for this proposal then a lighting impact assessment should be undertaken to allow us to advise further.

3. Carbon-rich Soils, Deep Peat and Priority Peatland Habitat

Table 1 of Scottish Planning Policy (SPP) identifies nationally important carbon-rich soils, deep peat and priority peatland habitat as an 'Area of significant protection'. This resource is mapped at broad scale on the Carbon & Peatland Map 2016. The siting of a wind farm within the 'Area of significant protection' does not, in itself, mean that the proposal is unacceptable, nor that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland is often highly variable across an application site and a detailed assessment is therefore required to identify the actual effects of the proposal. SPP requires that significant effects on the qualities of these areas be 'substantially overcome by siting, design or other mitigation'.

The Carbon & Peatland Map 2016 shows that the application site includes large areas of 'Class 1 nationally important carbon-rich soils, deep peat and priority peatland habitat'. These areas form part of the nationally important resource referred to as 'areas of significant protection'.

The Phase 1 and NVC survey information provided within the EIAR confirm that the application site consists of 89.5% peatland, with 81% being nationally important blanket bog. The proposed infrastructure area covers 16.5ha, 15.03ha of which is located on blanket bog habitat.

The peatland condition assessment within Technical Appendix 7.1 notes that the blanket bog within the site is eroded and further degraded as a result of drainage and over grazing. We are in agreement with this assessment and noted this during our site visit. In addition to these factors we consider that the grouse management on site is also contributing to the degraded quality of the blanket bog.

Further to this, Technical Appendix 7.1 states that there is 22.4 ha of disturbed blanket bog dating from the construction of the operational Corriegarth wind farm. The EIAR does not provide any figures for the approximate indirect loss of blanket bog habitat as a result of the proposed extension. Based on the reported habitat disturbance from the operational wind farm then we consider the total loss of blanket bog habitat is likely to be much greater than 15.03 ha as stated by the EIAR. **We advise that the habitat loss and disturbance associated with this proposal would have a significant effect on the qualities of the carbon-rich soils, deep peat and priority peatland habitat present on the site.**

Due to the extent of blanket bog habitat on site then there is no scope for micrositing the infrastructure. We therefore welcome the applicant's proposal for blanket bog restoration to compensate for the losses to construction, within the context of an Outline Habitat Management Plan (OHMP). **We do however advise that the proposed scale and location of the works are inadequate to compensate for the nature and value of the habitat that will be lost**.

The OHMP proposes to restore an area of blanket bog equivalent to 15.03 ha at a lower altitude site located 2km from the application site. We advise that the extent of restoration should reflect direct and indirect habitat loss, and habitat disturbance and therefore the absolute extent of restored habitat should therefore be no less than 50 ha. However, given the sensitivity of such high altitude habitats, this will require restoration activity across a wider area, perhaps 100 ha, to allow for failures and recognising that it will probably take several decades for any restored area to function in the same way as the intact areas to be lost and damaged. Further to this, we consider the proposed restoration of blanket bog at a lower altitude is not sufficient to compensate for the loss of the higher altitude blanket bog within the application site. We also consider that peat transported 2km from its source will likely lose its structure and function. Taking these factors into consideration we therefore advise that the restoration works should be undertaken within the application site.

<u>Conclusion</u>

In summary we advise that the OHMP is amended to more adequately compensate for the nature and value of the blanket bog habitat that will be lost by incorporating the following:

- **The peatland restoration should take place within the Corriegarth 2 Wind Farm application area;**
- **The absolute extent of restored habitat should be no less than 50 ha, but 100 ha is advisable to allow for failures;**
- **Restoration measures should include, but not be confined to: drain blocking, gully blocking, gully reprofiling and revegetation;**
- **Excavated peat should be reused within the application site; and**
- **The OHMP should include specific measures designed to safeguard the restored area not only from any future wind farm or associated renewables development, but also from sporting management activities such as muirburn, drainage and/or**

grit mounds of the type and size currently in use. It should also be subject to only low deer trampling and grazing impacts.

4. Ornithology

4.1. Wider Countryside Species

4.1.1. Red Kite

Summary

The breeding population of red kite in Natural Heritage Zone (NHZ) 10 is small but expanding. In previous wind farm casework, due to the comparatively small size of the North Scotland red kite population which is spread over several adjacent NHZs, impact assessments have been made on a population basis rather than by individual NHZ. Sansom *et al* (2016) [2] concluded that persecution was the single biggest factor limiting population growth in the North Scotland red kite population and fatalities from wind farms would only have a significant effect when they rose above 5 collisions per annum.

Based on the information within the EIAR and our assessment detailed below we consider that there will be no significant adverse impacts on North Scotland red kite population.

Collision Risk

As the calculated cumulative mortality from wind farms is estimated within the EIAR as being 1.5 birds per annum we therefore agree with the conclusion in the EIAR that the unmitigated collision risk will not have a significant adverse impact on the red kite population. We consider that the mitigation suggested within the EIAR is sufficient to reduce potential impacts of this proposal on red kite.

Disturbance and Displacement

As there is considered to be no suitable red kite nesting or roosting habitat within 2 km of the Site then we are satisfied that there will be no risk of disturbance and/or displacement for breeding kites.

With regards to disturbance/displacement impacts on foraging kites, we agree that there may be a small loss to red kite foraging habitat around the proposed turbines however that there is enough suitable habitat in the wider area for foraging.

4.1.2. White-tailed Eagle

Summary

We advise that this proposal will not adversely affect the current conservation status of the NHZ 10 white-tailed eagle population or significantly increase the time it will take for it to reach its carrying capacity. Our rationale is explained further below.

Collison Risk

[2] Sansom, A., Etheridge, B., Smart, J. & Roos, S. 2016. Population modelling of North Scotland red kites in relation to the cumulative impacts of wildlife crime and wind farm mortality. Scottish Natural Heritage Commissioned Report No. 904.

The calculated collision risk for this species within the EIAR (1 bird per 3.2 years) has been heavily biased by flight activity over two days in late March 2018 and one day in May 2018. We consider the explanation put forward in the EIAR that this was due to a bird/birds scavenging a carcass in the vicinity of the proposed wind farm extension seems plausible. The mitigation of removing carcases from the wind farm extension envelope and a buffer around it would be sufficient to reduce the collision risk to a similar level seen in the other years of survey work on the site. We consider that this mitigation would also significantly reduce the cumulative collision risk.

Disturbance and Displacement

The NHZ 10 white-tailed eagle population has undergone a significant increase in its range and population in recent years. Taking this into account and the distance from the nearest known nest sites (10km) then we consider that proposal is unlikely to have an adverse impact on the population of this species through disturbance/displacement.

4.1.3. Golden Eagle

Summary

We advise that this proposal will not adversely affect the current conservation status of the NHZ 10 golden eagle population or significantly increase the time it will take for it to reach its carrying capacity of 28 pairs. Our rationale is explained further below.

Furthermore we welcome the applicant's commitment within the EIAR for a financial/ data sharing contribution to be made to the Regional Eagle Conservation Management Programme (RECMP) within NHZ 10.

Collison Risk

Based on the golden eagle population modelling provided in Appendix A8.4, the collision risk mortality, both from the proposal by itself and cumulatively with other wind farm developments in the NHZ then we consider the proposal will not stop the golden eagle population in NHZ 10 remaining in a favourable conservation status. It should however be noted that the estimated cumulative collision risk (1 bird per 0.8 yrs) could delay the NHZ achieving full occupancy however we consider this will not be by a significant amount given the recent increases in occupancy.

Disturbance and Displacement

The EIAR identifies the potential for one golden eagle territory to be abandoned and a possible decrease in productivity as a result of displacement. Again, given the recent increase in occupancy in the NHZ and the comparatively high productivity rate of this population, we advise that this is unlikely to cause a decline in the conservation status of golden eagles in the NHZ.

4.1.4. Peregrine

Summary

We are in agreement with the assessment in the EIAR that this proposal will not have a significant impact on peregrine within NHZ10.

Collision Risk

We agree with the EIAR that the additional mortality resulting from predicted collision risk mortality of 1 bird every 50 years will not have a significant impact on the NHZ population.

Disturbance and Displacement

We note that that a probable peregrine nest and roost site were recorded within 2km of the Proposed Development, with proposed infrastructure located over 1.5km from these sites. Given this is outwith the disturbance distance of 750m then there is no risk of disturbance and/or displacement to breeding peregrines. The nearest wind turbine is located at 1.5km from the nest/roost site therefore is just within the 2km foraging distance. We are however satisfied that this will not result in significant displacement of foraging peregrine.

4.1.5. Other raptor species

We are in agreement with the assessment in the EIAR that this proposal will not have a significant impact on the NHZ populations of hen harrier, short-eared owl and merlin.

4.1.6. Waders

We are in agreement with the assessment in the EIAR that this proposal will not have a significant impact on the NHZ populations of golden plover and dunlin.

4.1.7. Wildfowl

We are in agreement with the assessment in the EIAR that this proposal will not have a significant impact on the NHZ populations of greylag geese, pink-footed geese and whooper swan.

4.1.8. General Comments

We note the assessment limitations outlined in section 8.3.8 of the EIAR and consider that the justification for these are acceptable and the results will not be significantly impacted as a result.

We welcome the proposed Breeding Bird Protection Plan outline in section 8.6.1.1 of the EIAR. In addition to this we welcome the proposed operational mitigation proposed in section in 8.6.2. We advise that this mitigation will be required to ensure that impacts on birds in NHZ 10 are minimised.

5. Impacts on Protected Species

We now aim to fulfil our advisory role on protected species through the provision of standing advice which can be found on our website[3].

We will generally only comment on protected species in exceptional circumstances not covered by our standing advice. You should consider the need for species licences as part of any development. Please contact our licencing colleagues (licensing@nature.scot) if you require further advice on licensing.

6. Decommissioning

Should the wind farm be granted consent, we recommend that an additional consultation is carried out well in advance (e.g. 3-5 years) of the year of decommissioning to ensure all natural heritage considerations are taken into account. Our advice is that further survey work may be required in

[3] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species

the year or more prior to decommissioning to fully assess the likely impacts, particularly on legally protected species and the adjacent protected areas.

From:	nessandbeauly@gmail.com
To:	Flaherty D (Debbie); Baranska A (Agata); info@scotways.com; ceo@ndsfb.org; windfarms@jrc.co.uk
Cc:	amy.nicolson@forestry.gov.uk; radionetworkprotection@bt.com; eleisha_fahy@Scotways.com
Subject:	RE: Reminder- Corriegarth 2 Windfarm - Energy Consent"s Consultation request
Date:	04 March 2021 15:27:50

Debbie, the Ness & Beauly Fisheries Trust will not be commenting. I see Chris Conroy, Ness DSFB is on distribution list who might want to.

Cheerio
Jock
Jock Miller
Chair NBFT
Mob: REDACTED

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ACTE
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REDACTED

Received 19/03/2021

Representation 003 objection

NORTH EAST MOUNTAIN TRUST

Borrowstone Mill,
Kingswells,
Aberdeen.
AB15 8RR

1.3.21

Energy Consents Unit,
The Scottish Government,
4th Floor,
5 Atlantic Quay,
150, Broomielaw,
Glasgow,
G2 8LU

Dear Sir/Madam,

Correigarth 2 Wind Farm – Comprising 16 wind turbines and associated infrastructure, Corriegarth Estate, Highlands

I am writing on behalf of the North East Mountain Trust (NEMT). The NEMT is a voluntary body (Scottish Charity SCIO 008783) based in the Grampian area, representing hill-goers and those who enjoy visiting Scotland's finest natural heritage. NEMT membership, comprising both individual members and twelve hillwalking and climbing clubs, totals about 1000 people. The Trust members position is that we are, as regular visitors to Scotland's mountain regions, acutely aware of the need to move to a decarbonised economy and take this into account when looking at proposed Wind Farm developments.

The proposed Corriegarth 2 turbines are distributed around the existing Corriegarth Wind Farm. It is an expansion of the several wind farms in the western Monadhliath currently constructed or with planning permission. This magnificent landscape is under severe visual pressure and wind turbines are rapidly becoming the dominant visual feature. A realistic assumption to what will happen in future years is that when replaced the turbine size will be increased and the dominance will be magnified.

We would agree that most of the proposed Corriegarth 2 turbines would add little additional impact to the existing situation. However some, 8,9 and 10, would have an increased unacceptable direct visual impact when seen from the Munros and Corbetts to the north, south and east as these are consistently in view from these upland areas. The proposed height of 7 and 11 is such that they would also have a limited impact.

The North East Mountain Trust therefore does not object to the proposed development, subject to the deletion of turbines 8,9 and 10 and the reduction in height of turbines 7 and 11 to 120 m BTH.

Yours faithfully,

Redacted

Brian Heaton (Trustee)

Debbie Flaherty
Energy Consents Unit
The Scottish Government

By Email: Econsents_admin@gov.scot

31 May 2021

Dear Ms Flaherty

ECU REF: ECU00002175

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED CORRIEGARTH 2 WINDFARM DEVELOPMENT IN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL.

Thank you for consulting RSPB Scotland on the above proposal and allowing us additional time to respond.

There is potential for this proposal to have significant adverse impacts on local populations of red kite and white-tailed eagle and contribute to cumulative impacts on golden eagle. Without a substantially bigger and more detailed Habitat Management Plan this proposal would have significant adverse effects on priority peatland habitat.

Comments are provided on mitigation measures and the Habitat Management Plan.

Recommendations

In order for our concerns detailed above to be addressed, we advise that the conditions in Annex 2 of this response are applied, should Scottish Ministers decide to approve the application.

We hope you find these comments helpful. Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely

Claire Smith
Senior Conservation Officer
claire.bsmith@rspb.org.uk

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Annex 1

Collision risk impacts on red kite and white-tailed eagle

There are no population estimates for red kite or white-tailed eagle within NHZ10 as no pairs were breeding within the area during 2013 when the data was gathered to inform NHZ populations. However as both re-introduced species continue to be suppressed due to persecution Table 8.10 correctly summarises them as being in *unfavourable, recovering condition* due to their small size.

Based on the Scottish Raptor Monitoring Scheme report there were eight active red kite territories in 2018 and 3 pairs of white-tailed eagle in Inverness-shire and Badenoch and Strathspey in 2019.

The CRM for red kite predicted a mean annual collision rate of 0.222 birds, or one collision every 4.5 years (Table 8.12). This additional mortality would represent an increase of up to 10 % over the baseline annual mortality rate. Additionally, a red kite collision was recorded at the operational Corriegarth windfarm in June 2020.

The CRM for white-tailed eagle predicted a mean annual collision rate of 0.311 birds, or one collision every 3.2 years. Cumulative risk for both species within NHZ10 is also high.

There is a risk of an adverse impact on the local breeding populations. However, we agree with the assumption that flight activity recorded is unlikely to have all been of breeding birds, particularly with the nearest red kite nest more than 2km away and nearest white-tailed eagle nest ~10km away and that for white-tailed eagle the CRM figure has been heavily influenced by likely scavenging activity on 3 days in 2018. Recommended planning conditions to reduce the risk of collisions are outlined in Annex 2.

We note from the annual HMP reports from the operational Corriegarth windfarm that there have been some issues with consultants gaining access to the site for monitoring (not all of which was weather related). In order for the recommendations in Annex 2 to be fulfilled, consultants and windfarm employees must have year round access to the windfarm and HMP sites.

Golden eagle collision risk and displacement

The collision risk from the proposal in isolation is low. However, it contributes to a high cumulative collision risk for the NHZ10 population of 1 bird ever 0.87 years which will slow the time that the population reaches its estimated carrying capacity.

The EIAR highlights the potential for one territory to be abandonded. However, the three pairs within 6km of the scheme do successfully move between alternate eyries and in 2021 only one site was within 6km. The availability of alternate sites in all three territories may decrease the risk of abandonment.

We welcome the intention to contribute financially to and share data with the Regional Eagle Conservation Management Plan (RECMP) and ongoing monitoring and research will help inform future windfarm guidance on location and layout to minimise golden eagle impacts.

Peatland habitat and OHMP

Section 7.9.1.1 states that the Habitat Management Plan (HMP) plan will be written post consent. This is not in line with NatureScot guidance[1] which recommends:

We recommend that HMPs should be informed by appropriate site investigations and are presented in draft as part of the Environmental Statement submission. They should then be finalised during the post-consent/pre-construction phase of a development.

The carbon and peatland map (2016)[2] shows that the proposal includes large areas of '*Class 1 nationally important carbon-rich soils, deep peat and priority peatland habitat'.* And surveys of the proposed area show that 15.03Ha of the 16.5Ha site where infrastructure will be located is on blanket bog. However, no figure is provided for the indirect loss of blanket bog from construction disturbance, impact of tracks on hydrology etc which is likely to be far greater.

The area proposed for restoration is inadequate to compensate for the loss of blanket bog and is also located at a much lower altitude so is not like for like habitat. An area at a similar altitude at least four times the size of the area directly lost should be restored. Reduction of deer impacts will be key to meeting the objectives of the HMP.

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[1] https://www.nature.scot/guidance-planning-development-what-consider-and-include-habitat-management-plans

[2] https://soils.environment.gov.scot/maps/thematic-maps/carbon-and-peatland-2016-map/

Annex 2: Recommended Planning Conditions

1. Prior to the commencement of development, details of a protocol for reporting any confirmed or suspected bird collisions, on or near the windfarm site, shall be submitted to and approved in writing with the Planning Authority in consultation with NatureScot. Thereafter, the approved protocol shall be implemented for the lifetime of the windfarm.

Reason: To ensure that an agreed protocol for reporting fatalities is in place, to ensure consistent monitoring, and allow review of the HMP measures in the interested of the conservation of biodiversity.

2. Removal of deer and sheep carcasses and grallochs from within 200m of turbines and reporting of this captured within subsequent HMPs.

Reason: to reduce the risk of red kite, white-tailed eagle and golden eagle foraging within the windfarm area, increasing risk of collision

3. Provision of a winter larder more than 500m away from turbines.

Reason: to increase red kite, white-tailed eagle and golden eagle productivity in the wider area and provide an area to forage away from turbines, reducing risk of collision. This will also replace the Corriegarth windfarm condition around increasing raptor food in Area A which has not been successful.

4. Establish an annual programme of red kite and sea eagle monitoring of the estate and wider area in conjunction with Highland Raptor Study Group and submit data to the Scottish Raptor Monitoring Scheme

Reason: To improve knowledge of expanding populations of red kite and white-tailed eagle, to inform nest and habitat protection and therefore support population growth. To inform locations of winter larders.

5. Contribution to the RECMP

Reason: To mitigate cumulative impacts on the NHZ10 golden eagle population

6. A detailed HMP should be submitted prior to the commencement of development, to be produced in consultation with NatureScot and agreed with The Highland Council. This must include confirmed mapped management units, where specific management prescriptions (e.g. drain and gully blocking, rewetting and revegetating) would be carried out. Measures to protect the site to ensure the restoration is successful should be enacted i.e. protection from muirburn/drainage etc. Progress should be reported on in annual HMP reports.

Reason: To compensate for direct and indirect loss of high altitude blanket bog

From:	Baranska A (Agata)
To:	Flaherty D (Debbie)
Cc:	Econsents Admin
Subject:	RE: Reminder- Corriegarth 2 Windfarm - Energy Consent"s Consultation request
Date:	04 March 2021 16:27:55
Attachments:	SF response to scoping report for Corriegarth 2 Wind Farm.pdf

Good afternoon, Debbie.

Thank you for your email.

Scottish Forestry (SF) is the Scottish Government agency responsible for policy, support and regulation of forestry sector in Scotland. As such SF comments on possible impact of development proposals on forests and woodlands. The only area of woodland within the proposed development's boundaries lies alongside existing Corriegarth Wind Farm access track, off B862. The woodland is listed on Ancient Woodland Inventory (AWI) and Native Woodland Survey of Scotland (NWSS) as Upland Birchwood. SF welcomes the Applicant's statement regarding re-using of the existing access track. Any tree felling is required to accommodate the proposed upgrading of the above track, compensatory planting might be required, as per Scottish Government's Policy on Control of Woodland Removal (CoWRP). That advise was given in SF's response to scoping report for the proposed development, which is attached to this email.

SF has no further comments to make at this stage.

Please don't hesitate to contact me if you wish to discuss SF's response.

Yours sincerely

Agata Baranska
Regulations & Development Manager
Scottish Forestry

Highland & Islands Conservancy
Woodlands | Fodderty Way | Dingwall | IV15 9XB

☎ Mobile: 0791 9057647
agata.baranska@forestry.gov.scot

forestry.gov.scot

www.facebook.com/scottishforestry

@scotforestry

outbreak of Covid-19, we have activated our Business Continuity Plan. More information can be found on our website.

From: Flaherty D (Debbie) <Debbie.Flaherty@gov.scot>
Sent: 04 March 2021 14:36
To: Baranska A (Agata) <Agata.Baranska@forestry.gov.scot>; nessandbeauly@gmail.com; info@scotways.com; ceo@ndsfb.org; windfarms@jrc.co.uk
Cc: amy.nicolson@forestry.gov.uk; nessandbeauly@gmail.com; radionetworkprotection@bt.com; Eleisha Fahy <eleisha_fahy@Scotways.com>
Subject: Reminder- Corriegarth 2 Windfarm - Energy Consent's Consultation request

Dear Consultee

Reminder

For our records I would be grateful if you can confirm whether you intend to make comments on the Corriegarth 2 wind farm application as set out below.

If you require further time to respond please contact me.

Regards

Debbie Flaherty | Consents Manager | Energy Consents Unit

The Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

M: 07393 753458 W: 0131 24**4 1258** | debbie.flaherty@gov.scot

To view our current casework please visit www.energyconsents.scot

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From: Flaherty D (Debbie)
Sent: 20 January 2021 16:28
Subject: Corriegarth 2 Windfarm - Energy Consent's Consultation request

Dear Consultees

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED CORRIEGARTH 2 WINDFARM DEVELOPMENT IN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL.

On 8 January 2021, BayWa.r.e on behalf of Corriegarth Windfarm Limited (the Applicant) submitted an application under section 36 of the Electricity Act 2017 ('the Act') for the Scottish Ministers' consent to construct and operate Corriegarth 2 windfarm development, located on Corriegarth Estate, 15 KM north east of Fort Augustus and 10km south east of Foyers in the Highlands. The proposed development consists **16 turbines – 149.9m to tip height and associated**

infrastructure.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA regulations') and regulations made under Schedule 8(1) to the Act, a notice detailing the application will be published by the Applicant in the local and national press and the Edinburgh Gazette shortly.

In accordance with the EIA Regulations a consultation in respect of the application must be carried out. You can review the EIA Report and associated documents online from our Energy Consent website which can be found at the following link:

www.energyconsents.scot – search – simple search – Corriegarth 2 (ECU Reference ECU00002175)

The application documentation is also available to view at Corriegarth 2 Windfarm – BayWa r.e. (baywa-re.co.uk)

The closing date for any representations you may wish to make in this case is 3 March 2021. Please note reminder letters are not routinely issued by the Energy Consents Unit therefore if we have not received your comments, or any extension request we will assume that you have no comments to make.

You can submit your response by e-mail to Econsents_admin@gov.scot or direct to my email address below.

If you have any queries regarding this email please do not hesitate to contact me.

Yours faithfully

Debbie Flaherty | Consents Manager | Energy Consents Unit

The Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

M: 07393 753458 W: 0131 24**4 1258** | debbie.flaherty@gov.scot

To view our current casework please visit www.energyconsents.scot

Thursday 28 January 2021

Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Corriegarth 2 Wind Farm, , Corriegarth 2 Wind Farm, PH32 4AB
PLANNING REF: ECU00002175
OUR REF: DSCAS-0030974-3S8
PROPOSAL: Wind Farm (Generating station of >50 < 100 MW Capacity)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch Ness supplies Invermoriston Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number 0800 0778 778.

It is a relatively large catchment and the activity is sufficient distance from the intake that it is likely to be low risk.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information

can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm.

We welcome that reference has been made to the Scottish Water drinking water catchment.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also anyone working on site should be made aware of this during site inductions.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject “Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan
Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Econsents_admin@gov.scot

Debbie Flaherty
Energy Consents Team
Directorate for Energy and Climate Change
The Scottish Government

03/03/2021

Dear Ms Flaherty,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED CORRIEGARTH 2 WINDFARM DEVELOPMENT IN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL.

Thank you for your email of 20 January 2021 requesting observations on the above proposed wind energy development.

The National Catalogue of Rights of Way (CROW) shows that right of way HI111 is affected by the area outlined in red on *Site Boundary Figure 1.2*. The right of way appears to terminate on what will be the access route to the proposed development: a map is enclosed showing HI111. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.

You will no doubt be aware that there may now be general access rights over any area of land under the terms of the Land Reform (Scotland) Act 2003. We note that the applicant has consulted the Core Paths Plans, prepared by the The Highland Council's access team as part of their duties under this Act.

The EIA Report Chapter 14 'Socio-Economics, Recreation and Tourism' provides details regarding recreational public access across the development area and over a wider study area. Section 14.1 states that the *'Secondary Study Area: (used for assessing direct and indirect effects on Core Paths and Rights of Way) comprises of land within 10 km of the centre point of the Site (NGR 257438, 813258), as shown on Figure 14.1.'*

Core Paths and Recreational Routes within Secondary Study Area Figure 14.1 does not show right of way HI111, however the right of way is used by routes that are indicated on this map. That said, and looking at the information provided by Figure 14.1 there appears to have been no consideration of the rights of way, Scottish Hill Tracks or Heritage Paths that the Society is aware of that cross this wider area.

Additionally with regard to The Highland Council (THC) scoping response the applicant notes Table 14.1 *'Information on public rights of way is addressed in Section 14.4.2 and 14.5.2 of this Chapter'.*

Section 14.4.2.3 Public Rights of Way and Core Paths purports to provide information regarding both core paths and rights of way within 10km of the centre of the site with *Table 14.7* listing the '*Identified Core Paths and Rights of Way within Secondary Study Area'.* Core paths are considered: this table details 6 THC core paths however there is no note of rights of way.

Although there are core paths and some long distance recreational routes noted, the applicant has not considered all the public recreational routes within this wider area: the recreational baseline for this application is therefore incomplete.

Although we understand that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, we would like to draw your attention to the following:
Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8)
Proximity to Highways and Railways
2.25 It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.

This proposed development will appear as an extension to Corriegarth wind farm, adding 16 turbines to the number already there. The Society is aware of several wind farm developments, at different stages in the planning process, in the local area. We ask that the cumulative impact of these proposed, and any consented, developments is taken into account when considering this application.

As well as direct impacts on public access, impacts on recreational amenity are of interest to the Society as are impacts of wind farms on the wider landscape. We ask that these are taken into account in the consideration of this application.

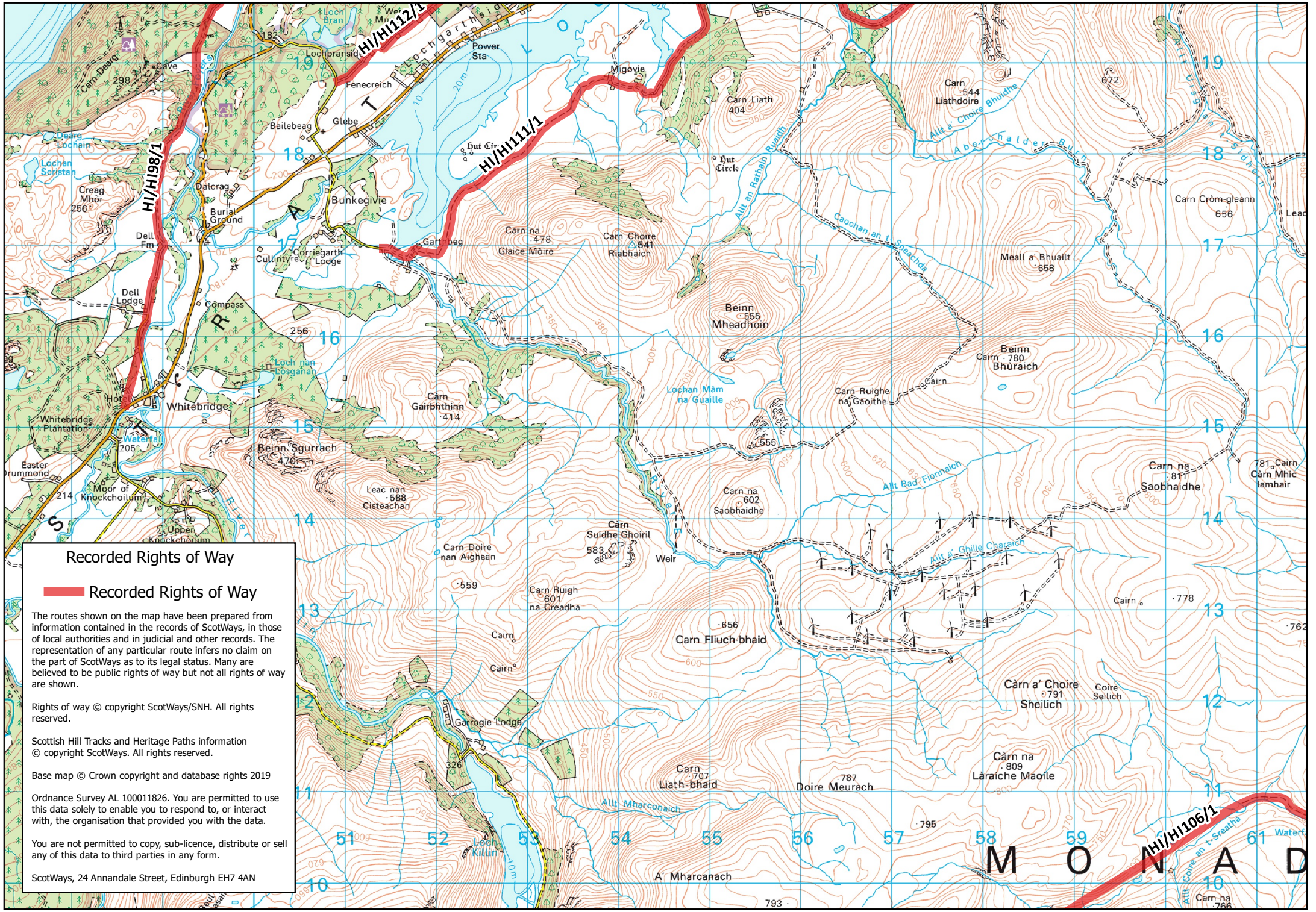
As noted above the recreational baseline for this application is incomplete: we cannot be confident that the applicant has fully considered the impact on public recreational access within the wider study area. The Society must therefore **object** to this application.

I hope the information above is useful to you. Please do not hesitate to contact me if you need more detail or have any further queries.

Yours sincerely,

REDACTED

Lynda L Grant
Access Officer



Recorded Rights of Way

Recorded Rights of Way

The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.

ScotWays, 24 Annandale Street, Edinburgh EH7 4AN

ScotWays
Upholding public access

Debbie.flaherty@gov.scot

Debbie Flaherty
Energy Consents Team
Directorate for Energy and Climate Change
The Scottish Government

27/04/2021

Dear Ms Flaherty,

Your ref: Proposed Corriegarth 2 Wind Farm: Response to ScotWays Consultation

Thank you for your email of 6 April 2021 forwarding a letter from the applicant that provides clarification to the points raised in our letter of 3 March 2021.

The applicant points out that ScotWays did not respond to this particular application at the scoping stage. They should be aware that ScotWays is a charity with a small team of staff and we have limited capacity to respond to scoping requests. The developer is always welcome to approach ScotWays directly if they require information regarding specific sites.

Further to the above, and again due to capacity, our wind farm responses focus solely on development site impacts and our comments do not address the wider landscape impacts about which we may have concerns.

The developer provides clarification regarding the recreational baseline and, in their *Table 1 Assessment Summary*, has confirmed that routes in the wider search area have been assessed as part of longer recreational routes: rights of way HI111, HI198 following the lines of core paths and HI112 as part of the Trail of Seven Lochs. These routes are shown in *Core Paths and Recreational Routes within Secondary Study Area Figure 14.1*

Considered within the Technical Appendix are right of way HI106, right of way HI109 as the Glen Markie Track and right of way HI107 as the Old Road to Coignafearn. These routes are not shown on Figure 14.1.

While the developer has explained that they have considered the routes, it remains that Figure 14.1 *Core Paths and Recreational Routes within Secondary Study Area* does not fully show the recreational routes within the study site. Likewise Table 14.7 '*Identified Core Paths and Rights of Way within Secondary Study Area'* does not list any rights of way.

For clarity, the applicant should be aware that rights of way and core paths are legally separate entities. As seen in this development site they may co-exist and it is important to note that recreational routes may have dual designation, so a route can be both a core path and a right of way, however routes may be of a single designation or neither.

Nothing regarding the impact of this development on rights of way was specifically included in the written information. It would be helpful if the applicant mapped and listed these in the

documentation at the outset both in the interests of clarity and to enable proper informed scrutiny of any application.

ScotWays objected to this application as, with no written information regarding rights of way, we could not be confident that the applicant had fully considered the impact on public recreational access within the wider study area. The additional information now provided indicates that the applicant has, albeit indirectly, considered this.

Given that it now appears rights of way have been properly considered the Society is minded to lift its objection.

I hope the information above is useful to you. Please do not hesitate to contact me if you need more detail or have any further queries.

Yours sincerely,

Lynda L Grant

Lynda L Grant
Access Officer

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: 1770
Your ref: ECU00002175

Debbie Flaherty
Energy Consents Unit

SEPA email contact:
Planning.north@sepa.org.uk

12 August 2021

By email only to: Econsents_admin@gov.scot

Dear Ms Flaherty

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity Act 1989
Corriegarth 2 Wind Farm
Corriegarth Estate, 15 KM north east of Fort Augustus and 10km south east of Foyers in the Highlands

Thank you for consulting SEPA on the above application. We apologise for the delay in this response.

Advice for the determining authority

In our initial scoping response in March 2020 (ECU00002025, SEPA Reference: PCS/170370) and in our response at the Gatecheck Stage (August 2020, email to David Ballantyne, Arcus Consulting) we highlighted that the overall track length should be shortened and the number of watercourse crossings reduced.

Unfortunately, the site design submitted appears to be unchanged since we previously provided comment, and no additional justification provided as to why the layout represents an acceptable environmental solution. We highlight that it is estimated that the current layout will result in the excavation of a very large volume of peat (355,284 m^3) and it must be clearly demonstrated that every effort has been taken to minimise peat disturbance and carbon loss.

We therefore **object** to the proposed application as it has not been adequately demonstrated that the disturbance of peat has been minimised through siting and design, as is required by paragraph 205 of Scottish Planning Policy and Policy 55 of the Highland Wide Local Development Plan. The layout should be amended in line with our previous advice, or in other ways which would reduce peat disturbance. We would be very happy to discuss this further directly with the applicant and their consultants.

Regulatory advice for the applicant

Details of the regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team (Argyll Hebrides and South Highland) via email at AHSH@sepa.org.uk.

If you have queries relating to this letter, please contact me by e-mail at planning.north@sepa.org.uk.

Yours sincerely

Aden McCorkell
Senior Planning Officer
Planning Service

Ecopy: Debbie.Flaherty@gov.scot

Disclaimer
This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.

From:	Planning.North
To:	Flaherty D (Debbie)
Cc:	Fraser Clarke; Planning.North
Subject:	2822 - SEPA Response to ECU00002175
Date:	11 October 2021 14:11:31

OFFICIAL

Dear Ms Flaherty,

Thank you for your consultation, which we received by email on 7 October 2021. We also note that we received this information from the applicant on 23 September 2021.

The applicant's agent has stated in their letter, dated 23 September, that every effort has been made to reduce the amount of peat to be excavated from the development, which results in 355,284 m^3 of excavated peat. This is a significant amount of disturbed peat. Due to the significant impacts on deep peat; lack of detail for how this quantity of peat can be beneficially re-used; and limited compensation proposed, we must continue to **object** until further information demonstrates a reduction in the disturbance of peat; evidence to suggest that peatland restoration can beneficially utilise the quantities of excavated peat estimated; and compensation for the proposed impacts increased. If no further reduction in the disturbance of peat can be accommodated and adequately offset, then we would question whether this site is suitable for the proposed development.

The letter further addresses our comments from our previous responses, with the applicant summarising the other site constraints that have prevented the suggested relocation of site infrastructure. Whilst we accept there are other site constraints to be considered we question whether the disturbance of deep peat and carbon loss should not also be considered as important, if not more important, than other site constraints, including number of watercourse crossings or breaches in buffers.

Impacts on peat:

1. Given the increasing concern around carbon emissions and Climate Change, there is a need for renewable projects to be designed in such a way that minimises carbon losses from impacts to peatlands, which are equally important in combating Climate Change. The Highland Council *Onshore Wind Energy Supplementary Guidance* states that "peat survey and site assessment should inform the siting and design of wind turbines and all associated infrastructure. Through this assessment, **impacts on peat should be avoided**, for example, by careful siting of the windfarm components **to avoid deep peat**, and avoid altering hydrological regimes." Much of this development is on deep peat, and while some efforts have resulted in movement of infrastructure, it continues to be on areas of deep peat (peat depths greater than 1m). Section 4 of the outline Peat Management Plan states that "The estimates of excavated peat provided in this report are likely to be higher than actually occur, as micro-siting during construction will allow for the avoidance of localised pockets of deeper peat". If this is the case, then this needs to be demonstrated now and infrastructure relocated to avoid localised pockets of peat. We would welcome further information on where this can be accommodated. In our experience, proposals often result in more peat being excavated than initially planned for.

Peat re-use and habitat management:

2. The outline Peat Management Plan states that 141,730m of the excavated peat will be re-used in the Habitat Management Plan; however, very little evidence has been provided on how this much peat can beneficially be used. "The areas identified as suitable blanket bog and other peatland reparation is not defined as yet and this is expected to take place post-consent… it is expected that the main types of restoration will include reparation of peat hags and bare and exposed peat as well as opportunities for ditch blocking and damming." Without evidence to suggest that the significant volumes of excavated peat can be beneficially accommodated through peatland restoration, it is unclear how these estimates have been calculated. We also question whether restoring peat hags and ditch blocking will require 141,730m^3 of excavated peat. Without evidence being provided for this (surveys of the features identified, calculations, site photographs, hydrological mapping), it is not clear how it is estimated that this amount of peat will be used and used to the benefit of the environment. We would also note that the amount of Habitat Management Plan Area identified in Figure 7.4 is approximately a quarter of that which was proposed for the Corriegarth Wind Farm Area A. While 18ha of habitat may be directly lost due to this proposal, this does not capture the amount of peat being disturbed and should therefore not be the sole rationale for the amount of habitat restoration/compensation required.

Should you have any questions regarding the above, please do not hesitate to get in touch.

Please note I will be on leave now returning on 27 October 2021.

Sincerely,
Aden

Aden McCorkell
Senior Planning Officer
North Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall IV15 9XB
Mobile: 07766 401865 Email: planning.north@sepa.org.uk
Our planning guidance: www.sepa.org.uk/environment/land/planning/

Please note my normal working days are Wednesday – Friday

OFFICIAL

From: Debbie.Flaherty@gov.scot <Debbie.Flaherty@gov.scot>
Sent: 07 October 2021 15:49
To: Planning.North <Planning.North@sepa.org.uk>
Subject: Corriegarth 2 Wind Farm - Follow up to SEPA's consultation response to Scottish Ministers

(Fao: Aden McCorkell)

Thank you for your consultation response to Scottish Minsters dated 12 August 2021 raising an objection. The Applicant' agent ARCUS has provided their response with clarification which they hope will address your comments – see attached. I look forward to receiving SEPA's further comments in due course.

If you require anything further you require from ECU or the Applicant's agent (Fraser Clarke fraserc@arcusconsulting.co.uk) please let me know.

Debbie Flaherty | Consents Manager | Energy Consents Unit
The Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
☎ 07393 753458 | W: 0131 244 1258 | debbie.flaherty@gov.scot
To view our current casework please visit www.energyconsents.scot

Dear Sir/Madam,

21/00101/S36 | Corriegarth 2 Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 16 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure | Land At Carn Na Saobhaidhe Gorthleck Inverness

Stratherrick and Foyers Community Council object to the above mentioned planning application on the grounds of the points below –

1. **Visual Impact –** The current Wind Farm at Corriegarth is one of the most visual in the area and can be seen from many points in the Stratherrick and Foyers area including the Suidhe Viewpoint. The addition of 16 further substantially larger turbines can only exacerbate and further blight the area. With tourism being the main economy for South Loch Ness, further deterioration of the mountains and the views will take its toll. Those in the Community that have chosen to live in this rural area, whilst appreciating the need for renewable energy, have expressed serious concerns about the ever increasing number of wind farms and the upheaval that their construction brings. As seen in the application document Vol 2b Fig 6.8b Other Wind Farm Developments - 40 km, there are already a considerable number of wind farms that are either operational or at various stages of planning within our very small area. Taking those alongside current and planned Hydro and pump storage schemes, will cause substantial loss of visual amenity and could destroy the rural character of our community.

2. **Roads and Transport –** Both the B851 and the B862 are narrow, twisting, often single track roads as one would expect from B category roads in the Highlands and as such, were never designed for heavy construction traffic. The community considers that their existing condition is of too sub-standard a nature in many sections and for significant lengths of the B851 and B862 to be used. In addition, the adverse impact further windfarm traffic will have on the structural integrity of those routes and the road safety standards encountered by local residents, in accumulation with other traffic and proposed development traffic should not be ignored. Many sections already suffer from significant verge deterioration. With an anticipated 23,000 vehicles, of which almost **9,000** predicted to be HGV, this will destroy what is left of the roads.

3. **Community Consultation –** It is noted in Volume 1 EIAR Chapter 11 Traffic & Transport that *'a Community Liaison Group has been established to work with developers to manage impacts of traffic in the local area'.* The Community Council has no knowledge of this liaison group.

Notes from the application –

1. In Vol 1 EIAR Chapter 11 Traffic & Transport, 11.4.3 Sensitive Receptors, it states that Stratherrick Primary School is *'Located **near** to the proposed delivery route. Students may use the delivery route on their journey to/from school and may be required to cross it'.* This is not correct and seems a little misleading. Stratherrick Primary School **is directly** on the delivery route and students do use the delivery route on their journey to/from School. Many walk and cycle along the route. The roads through the village towards the school lack pedestrian footpaths and/or walkways and children have no choice but to walk along the road. Further construction traffic puts those parents and children at substantially greater risk of injury or worse.
2. In the same section, 11.4.3 Sensitive Receptors, information about the Stratherrick Community Hall is missing. This is located in Gorthleck; the Hall is located on one side of the route and its car park is on the other. In normal

times, this is a busy, well used hall by all sections of our community from the youngest for the baby and toddler group to the oldest for a lunch club. The Hall needs to be considered in the report.

The Community Council therefore has very serious concerns regarding the planning application. If however this project were to receive approval, the Community Council would ask that, as a minimum, the following mitigations be considered -

1. The Community Council would request as mitigation for the Community, a financial offer in place and agreement with Highland Council to maintain the roads and substantial improvements should be made to the B862 and B851 East of the site. There are many sites already pinpointed by Highland Council that require improvement but these should be discussed and agreed with the Community Council. High priority for the Community Council would be the village of Gorthleck and a pavement to the Stratherrick Primary School.
2. Delivery times should be restricted to evenings only.
3. The use of variable electronic messaging signs to warn of ALV delivery times would be very helpful for communities.
4. A Community liaison group to be set up with a direct contact being essential.
5. Given the number of very large construction projects coupled with the extensive amount of timber extraction currently ongoing and being planned for the Loch Ness area, scheduling of all these projects will be crucial to traffic management and Community capacity.
6. All site vehicles to be numbered. This includes sub-contractors.
7. Minibuses to be used where possible for construction workers.

Kind regards,

Patrick Haston

Chair

Stratherrick and Foyers Community Council

Development Management and Strategic Road Safety
Roads Directorate

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7379, Fax: 0141 272 7350
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TRANSPORT SCOTLAND
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Your ref:
ECU00002175

Our ref:
GB01T19K05

Date:
04/03/2021

Dear Sirs,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED CORRIEGARTH 2 WINDFARM

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by Arcus Consultancy Services in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, we would provide the following comments.

Proposed Development

The proposed development comprises 16 wind turbines with a maximum tip height of 149.9m located adjacent to the operational 23 turbine Corriegarth Wind Farm, approximately 15km north-east of Fort Augustus. The turbines associated with the existing wind farm have a maximum blade to tip height of 120m. The nearest trunk road to the site is the A82(T) which is located approximately 18km to the west at Fort Augustus, with the A9(T) lying approximately 21km south-east at Kingussie.

Transport Scotland was consulted on both the Scoping Report and the Gatecheck exercise for this application, with responses issued on 17th April 2020 and 22nd July 2020 respectively.

Assessment of Environmental Impacts

Chapter 11 of the EIAR presents the assessment of potential environmental effects associated with increased traffic as a result of the construction phase of the development. This indicates that the study was primarily focussed on the A9(T), B871 and B862 corridors as both the Abnormal Loads and general construction traffic are both expected to travel to site via the A9(T).

Paragraph 11.3.8 of the EIAR states that *"…as a result of the global Coronavirus pandemic and the consequent reduction in travel…this assessment will not apply traffic growth factors to the collected baseline traffic flow data. This approach is considered conservative as a lower baseline traffic level would result in a higher percentage increase in traffic, and thus a more significant change from baseline."*

While Transport Scotland would normally expect some data analysis to justify and support such a claim, having reviewed the A9(T) traffic figures involved in the assessment, we are satisfied that the normal uptake in traffic flows associated with low growth would not alter the conclusions of the study. We are, therefore, satisfied that in this instance, such an approach is acceptable.

Table 11.18 of the EIAR presents a summary of the anticipated total vehicle movements, with the total flow in the peak month being 1,762 vehicles. This is then compared to base traffic flows to establish the percentage increase in vehicles associated with the development generated traffic. Table 11.29 presents the results of this exercise, indicating that on the A9(T), the total traffic will increase by 0.9% while HGV traffic will increase by 6.5%. As these results are below both the 10% and 30% thresholds identified with the IEMA Guidelines, Transport Scotland is satisfied that no further detailed assessment of the trunk road link is required.

Abnormal Loads Assessment

The EIAR indicates that the Abnormal Load Route to the site will be as follows:

- Leave Port of Invergordon;
- Turn left onto B817;
- Right turn at mini-roundabout to continue on B817;
- Right turn onto A9(T) south-westbound;
- Continue straight at roundabout to cross Cromarty Bridge A9(T);
- Continue straight through Tore Roundabout to continue on A9(T);
- Cross Kessock Bridge A9(T) and continue through Longman Roundabout onto A9(T) southbound;
- Turn right onto B851;
- Continue on B851 through Inverarnie;
- Turn left onto B862; and
- Turn left onto site access road.

We note that further to Transport Scotland's request within our Scoping Response for an Abnormal Load Route Assessment (ALRA), the Gatecheck Report stated the following:

"An Abnormal Load Route Assessment is being undertaken and will be presented with the Traffic and Transport chapter of the EIA Report".

Despite this, we note that no ALRA has been included. Instead, a Framework Construction Traffic Management Plan (FCTMP) has been provided at Appendix A11.1. We note that while this states a range of framework traffic management measures, it does not provide any actual assessment of the proposed route. It indicates the following:

"ALV movements and timing will be defined once further negotiation with the turbine supplier and their supply chain are determined".

While we would acknowledge that the proposal forms an extension to the operational Corriegarth Wind Farm and, therefore, a turbine delivery route has been established, the proposed turbines are considerably larger than those currently in use. As previously indicated, Transport Scotland will, therefore, require to be satisfied that these larger turbines can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path. The applicant has thus far not provided any evidence this can be achieved.

In order to progress the application, Transport Scotland is prepared to apply a Condition to the abnormal load route, however, it should be noted that the granting of Section 36 consent would be no guarantee that technical approval for the abnormal load route will be achieved.

Conclusion

Based on the review undertaken, Transport Scotland considers that the EIAR and associated information should have gone further to satisfy our requirements in terms of demonstrating that the size of turbines proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path.

Transport Scotland does not, however, propose to object to this planning application on the understanding that Conditions and obligations be placed on the applicant to deliver trunk road mitigation, as follows:

Condition 1: Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason

To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

Condition 2: During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

Reason

To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact myself or alternatively, Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

REDACTED

Gerard McPhillips

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.