WIN-270-17 Corriegarth 2 Wind Farm

This position statement is submitted as a supplementary statement to the Position Statement submitted to the ECU in September 2022, which is attached herewith for ease of reference.

As set out in email dated 5 December 2022, the Reporters have confirmed that this Position Statement may provide one single link to the Applicant's project website, where all application documents, consultation responses and other relevant documents are stored and can be accessed.

All documents referred to in this Position Statement can be found at:

https://www.baywa-re.co.uk/en/wind/corriegarth-2-windfarm

1. Description	• *Site description, number of turbines and height of turbines. Area of application* • *Please provide hyperlink to source of application description* ***from our file.*** The application is for consent for a wind farm with an installed capacity of more than 50 MW and envisages a development of up to 14 turbines up to 149.9m to blade tip and associated infrastructure, to be known as Corriegarth 2 Wind Farm and operated for a period of 30 years ("Proposed Development"). The application area is approximately 1,694 ha. The site is located within the Corriegarth Estate, approximately 15km north-east of Fort Augustus and 9km south-east of Foyers. The central part of the site contains the operational Corriegarth Wind Farm which was consented in April 2015. The description of development was originally detailed in Volume 1, Chapter 4 of the Environmental Impact Assessment Report ("EIAR"). The application was subsequently amended through the submission of Supplementary Environmental Information ("SEI"). The changes to the description of development are described in Volume 1, Chapter 4 of the SEI. The overall installed capacity will be approximately 67.5 MW, but will depend on the final choice of turbines to be installed.
2. Location Plan and application drawings	• *Red line plan and location of turbines.* • *Please include hyperlink to application drawings, location plan and site layout plan.* EIAR Figure 1.1 Site Location shows the red line boundary. SEI Figure 4.1 Revised Development Site Layout Plan shows the location of the turbines and infrastructure.

3. Original EIA Report	• *Hyperlink to document and appendices.* *Note: This list may be extensive so hyperlinking to all on DPEA web-site may prove onerous. A list can be provided to identify the relevant documents on the DPEA file (not hyperlinked) supplemented by a link directing the reader to the hyperlinked list of application documents on the applicant's public facing web site (where available).* The EIAR documents are as follows: • EIAR Volume 1: Main Text • EIAR Volume 2a: Figures excluding LVIA • EIAR Volume 2b: LVIA Figures • EIAR Volume 2c: NatureScot Visualisations • EIAR Volume 2d: The Highland Council Visualisations • EIAR Volume 3: Technical Appendices • EIAR Volume 4: Non-Technical Summary The EIAR was also accompanied by the Planning Statement (January 2021).
4. Any modifications to the proposal since submission	• *If Yes please provide explanatory narrative – including dates, status and the reason for change.* • *Hyperlink any amended plan - supporting submissions* Following feedback from the Highland Council, the proposal was amended in April 2022. The changes include: • Reduction in the number of turbines from 16 to 14; • Relocation of eight turbines (T1, T2, T8, T9, T11, T13, T14 and T15); • Adjustments to turbine crane hardstandings and access tracks; and • Relocation of borrow pit and substation compound. These amendments were assessed in the Supplementary Environmental Information detailed below. The development layout as amended is shown on SEI Figure 4.1 (Revised Development Site Layout Plan).

5. Additional Environmental Information	• *Provide explanatory narrative – hyperlinked, labelled and dated version(s).* • *Include table of any changes/additions to Original EIA report under (3) above.* • *Please specify whether provided in response to a request from Ministers under Regulation 19 or whether otherwise volunteered by the applicant.* SEI was submitted in April 2022 in order to respond to matters raised by consultees during the EIAR consultation process, and to provide an assessment of amendments to the proposal detailed in section four above. The SEI provides information relating to: • Changes made to the layout of the proposed development, specifically the removal of two turbines, the relocation of eight turbines and changes to ancillary infrastructure; • Addendum to the landscape and visual impact assessment; • Addendum to the ecology and ornithology assessment; • Addendum to the noise, traffic and transportation, socio-economics, recreation and tourism and climate change and carbon balance assessments; • Addendum to the hydrology and hydrogeology and geology and peat assessments; • Update to the Peat Slide Risk Assessment; and • Update to the Outline Habitat Management Plan. The SEI comprises: • SEI Volume 1: Main Text • SEI Volume 2a: Figures excluding LVIA • SEI Volume 2b: LVIA Figures • SEI Volume 2c: NatureScot Visualisations • SEI Volume 2d: The Highland Council Visualisations • SEI Volume 3: Technical Appendices • SEI Volume 4: Non-Technical Summary The SEI was also accompanied by a Planning Statement Update (April 2022). The SEI was submitted by the Applicant voluntarily.

6. Summary of mitigation measures proposed.	• *Hyperlinked table with cross-references to relevant EIA chapters – in some case the EIA may include a Schedule of mitigation and a link to that may prove sufficient.* • *Identify whether mitigation measures are relied upon to ensure effects that would otherwise be significant are reduced to non-significant* • *Identify any mitigation measures that can be secured by a means other than a condition of consent* A schedule of the proposed mitigation measures is provided at Table 17.1 of the EIAR (Volume 1, Chapter 17). This provides a consolidated list of the embedded and additional mitigation measures which have been identified in the EIAR for the proposed development. It is considered that the mitigation measures can be secured by condition.
7. Summary of monitoring measures proposed	• *Hyperlinked table with cross-references to relevant EIA chapters or summary* • *Identify purpose of monitoring measures.* A schedule of the proposed mitigation measures is provided at Table 17.1 of the EIAR (Volume 1, Chapter 17). Measures are presented on a topic-by-topic basis reflecting the chapters of the EIAR, and include monitoring and the appointment of appropriate experts to monitor works and compliance.
8. Summary of significant environmental effects	• *Hyperlinked table summary with cross references to relevant EIA Chapters.* • *May be extracted from summary EIA report.* The Non-Technical Summary (EIAR Volume 4) provides a summary of each topic considered in the EIAR, including a summary of the conclusions reached on significance of effects. An update to this is provided in the SEI Non-Technical Summary (SEI Volume 4). The only residual significant adverse effects relate to landscape and visual effects.
9. Summary of any information submitted to support appropriate assessment of the proposed development under the Habitats Regulations, if required.	• *Hyperlinked table with cross-references to relevant EIA chapter(s). Supporting narrative/update if appropriate.* Information relating to Habitats Regulation Appraisal ("HRA") is provided at section 7.12 of the EIAR (Volume 1, Chapter 7). The HRA screening assessment finds that the only Natura 2000 site which falls within the zone of influence of the proposed development is Ness Woods SAC, with the potential for likely significant effects limited to otter. It is concluded that no adverse effects on the integrity of the SAC otter population are predicted. A condition requiring further survey and an Otter Protection Plan will be proposed by the Applicant.
10. Please confirm this is the finalised scheme	• *If not what is anticipated, the reasons for this and when it would be submitted.* *Note: This may result in your application being placed on hold.* This is confirmed.

11. Please confirm that no further environmental information is pending.	• *If not what is anticipated, the reasons for this and when would it be submitted.* *Note : This may result in progress towards the inquiry being placed on hold.* It is the Applicant's intention to provide an update to the Cumulative Landscape and Visual Impact Assessment in order to reflect updates to the cumulative baseline which have occurred since the application was submitted.
12. Summary of planning authority and all other consultation responses with applicants response.	• *Please provide summary tables with hyperlinks to the full responses from the DPEA case file – it may be appropriate to rely on the summary in the authorities report of handling with any consequent update.* • *Please highlight separately:* 1. *Any objections which are considered resolved with supporting narrative* 2. *Any outstanding objections – statutory consultee* 2. *Responses relevant to the EIA** 3. *Any conditions requested or suggested in representations or consultation responses to inform draft list of potential conditions.* *Note: * please reference any dispute re methodology, any contrary conclusions on the significance of effects or the need for updated information.* The position of the Planning Authority is set out in its consultation response dated 24 August 2022. This is supported by the committee report dated 18 August 2022. A summary of all other consultation responses is provided in section 3 of the position statement submitted in September 2022. This is attached for ease of reference. The September 2022 position statement noted that discussions were ongoing between the Applicant and Ironside Farrar (appointed by the Scottish Government Energy Consent Unit to technically assess the Peat Landslide Hazard and Risk Assessment). By response dated 25 October 2022, Ironside Farrar has confirmed that its queries have been addressed and no further response is required. Conditions are requested in the following consultation responses: • Highlands and Islands Airports Limited response dated 1 March 2021; • MOD response dated 19 April 2021; • NatureScot response dated 25 May 2021; • SEPA response dated 27 May 2022; • RSPB response dated 25 May 2021; and • Transport Scotland response dated 4 March 2021. A draft set of conditions is included in section 11 of the Planning Authority's Committee Report. The Applicant is reviewing these and will provide an updated draft set of conditions for discussion with the Planning Authority. The Applicant is hopeful that agreement can be reached on a set of draft conditions to be considered by the Reporters and discussed at a hearing session if necessary.

13. Other representations

- *Please provide summary table and your response – again this may draw on relevant section of authorities report of handling.*
- *Hyperlink submissions from the file as appropriate.*

The Planning Authority's Committee Report dated 18 August 2022 provides a summary of representations at section 4.

This provides that 12 representations were made to the Planning Authority: 6 objections, 2 support and 4 general comments. A further 3 representations were made to the Energy Consents Unit: 2 objections and 1 support.

Material consideration raised by 3rd parties in objection to the application include:

Matter raised	Applicant response
Conflict with the development plan and planning policy (including national policy set out in SPP)	This is considered in the Planning Statement dated January 2021 and April 2022 update.
Landscape and visual impact	This is considered in Chapter 6 of the EIAR and SEI along with the associated figures and visualisations. The Planning Authority's Landscape Officer recommended that the Planning Authority "raise no objection" to the application. As concluded within section 5.11 of the committee report, the Landscape Officer is in overall agreement with the LVIA and SEI and acknowledges that "no significant landscape effects would be incurred" and the criteria within the Wind Energy Supplementary Guidance 2016 would be satisfied. No other statutory consultee objects to the application on landscape and visual grounds.
Additional traffic, impacts on roads, cyclists and pedestrians	This is considered in Chapter 11 of the EIAR and SEI, where no likely significant effects were identified. There are no objections from the Planning Authority or any statutory consultee (including Transport Scotland) on the grounds of traffic and transport impacts.

	Impact on recreational users of the outdoors including those walking in mountains	Recreational receptors are considered throughout the LVIA at Chapter 6 of the EIAR and SEI.
	Impacts on natural heritage sites and protected species	These matters are considered in the following chapters of the EIAR and SEI: • Chapter 7 – Ecology; • Chapter 8 – Ornithology; • Chapter 9 – Archeology. The EIAR does not identify any likely significant effects in respect of these matters. There are no objections from the Planning Authority or any statutory consultee on these grounds.
	Noise impact on residents	This is considered in Chapter 10 of the EIAR and SEI. The noise assessment undertaken demonstrates that noise due to the proposed development, in conjunction with the surrounding cumulative developments, would comply with the requirements of ETSU R-97 at all receptor locations. The Planning Authority's Environmental Health Officer does not object to the application subject to conditions controlling operational noise.
14. Summary of main issues and applicants response	• *Provide brief summary table of main matters in dispute, relevant parties and the applicant's response.* The Applicant considers the key issue for determination by the Reporters to be the visual impacts of the proposed development, coupled with the application of energy and planning policy in the planning balance. It should be noted that landscape impacts do not form part of the Council's reasons for objection and therefore need not be considered further in oral process. This is an application for a windfarm on the site of an operational windfarm that has been designed through close engagement with the Planning Authority. The extension of this windfarm will deliver greater capacity, with very limited increase in the extent of significance of existing effects. The application has received a recommendation of no objection from the Planning Authority's planning officer and no objection from any of the Planning Authority's internal consultees. It has attracted no objection from any statutory consultees. It is the Applicant's position that the matters to be addressed are extremely narrowly focused.	

15. Initial view on topics/parties involved in further procedure	• *Written submissions-* • *Hearing –* • *Inquiry –* The Applicant's initial view is that the key issues for determination by the Reporter will be visual impacts, coupled with the application of energy and planning policy in the planning balance. The Applicant considers that an inquiry session is likely to be appropriate for visual impacts. The Applicant considers that a hearing session is likely to be appropriate for national energy and planning policy and conditions.
16. Please indicate availability for Pre-examination meeting in the week beginning (insert date).	The Applicant's understanding is that the PEM is to be held on 24 January 2023.
17. Please indicate availability for oral sessions – anticipated between (insert dates).	The Applicant's team is available on weeks commencing 1st and 8th May 2023. The Applicant also has the following limited availability on weeks commencing 15th May and 5th June 2023: <u>Week commencing 15th May 2023</u> The Applicant's team is available Wednesday 17th – Friday 19th May. It should, however, be noted that the Applicant's policy witness is not available on Friday 19th May so would require the policy session to be scheduled first. <u>Week commencing 5th June 2023</u> The Applicant's team is available Monday 5th – Wednesday 7th June.