Loch Kemp Storage
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LOCH KEMP STORAGE

Planning Statement

November 2023

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Loch Kemp Storage: Planning Statement

Construction and Operation of a Pumped Storage Scheme at Loch Kemp and Loch Ness (S.36 of the Electricity Act 1989)

Client: Loch Kemp Storage Limited

November 2023

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Executive Summary

A Planning Statement has been prepared on behalf of Loch Kemp Storage Limited (the 'Applicant') to support an application for the construction and operation of a pumped storage scheme at Loch Kemp and Loch Ness (the 'Proposed Development'). The application is made under Section 36 of the Electricity Act 1989 (the Electricity Act). The Applicant also seeks deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

The Proposed Development is known as Loch Kemp Storage and comprises the building and operation a new pumped storage scheme of up to 600 MW, with a generation energy storage capacity of up to almost 9 Gigawatt Hours (GWh). The primary function of the Proposed Development would be to extract, store and release energy to or from the electricity transmission system as required to help balance supply and demand for power at a national scale.

Scotland has the UK's highest mountains and largest inland lochs. This combined with high rainfall makes Scotland an excellent location for Pumped Storage Hydro. The Proposed Development is located on Dell Estate and would utilise the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. Loch Kemp would be raised by approximately 28 m to allow drawdown for storage. The Proposed Development would also require eight dams and an inlet/outlet structure, a powerhouse building, a quayside above the inlet/outlet structure with a small pier into Loch Ness, and an access tunnel adit on the shore of Loch Ness.

Through the development of Pumped Storage Hydro, Loch Kemp presents a real opportunity to help significantly lower carbon emissions and manage the country's electricity system on the route to Net Zero. It will address the urgent need set out in policy to ensure that energy storage supports the increasing deployment of intermittent renewable energy supplies, whilst at the same time providing security of supply and resilience to the grid. In so doing it will also provide a full package of benefits, including:

- Reducing $C0_2$ emissions by hundreds of thousands of tonnes
- Providing the equivalent of 1,000,000 homes with electricity
- Delivering socio-economic and tourism benefits during construction and operation
- Delivering both temporary jobs through the construction phase, and 25 new full-time jobs once fully operational
- Providing security of a long-term, reliable and green energy source
- Delivering of extensive woodland habitat creation and a net increase in woodland cover through a Habitat Management Plan and Forest to Bog proposals
- Providing a powerhouse building with a design concept which reflects the landscape character (horizons, slopes, scale, colour, tones and materials) and which would include visitor facilities, such as an information centre and a viewing platform, and could become a visitor attraction in itself.

Within national energy and planning policy, there is strong support for significant deployment of renewable energy development and for storage projects that help to maximise renewable energy capabilities through maintaining security of supply and a resilient system. National Planning Framework 4 (NPF4), which represents the most up to date planning policy and now forms part of the statutory development plan, gives considerable

support for developments that address the climate emergency and nature crises. It also directs decision makers to give the climate emergency and nature crises significant weight in all decisions.

NPF4 clearly sets out that the need for pumped hydro storage in principle is established, and which promotes Pumped Storage Hydro as one of the six national developments, stating:

"This national development supports pumped hydro storage capacity within the electricity network through significant new or expanded sites. This supports the transition to a net zero economy through the ability of pumped hydro storage schemes to optimise electricity generated from renewables by storing and releasing it when it is required."

The NPF provides that Pumped Storage Hydro will *"play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of our transition to net zero. This is necessary as we continue to move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions."*

The Proposed Development is fully compliant with both Government objectives and NPF4, when read as a whole and when assessed against each of the policies. The Applicant accordingly submits that substantial weight in favour of consent should be applied from NPF4.

The Highland Council in its Highland-wide Local Development Plan also has policies which strongly support renewable energy development, including Pumped Hydro Storage. As identified in this Planning Statement, the policy support is not unconditional, but requires the full assessment of projects against a number of planning criteria intended to safeguard the local environment and maximise the economic and social benefits of such projects. The potential impacts of the Proposed Development on environmental resources and receptors and its likely significant effects have been assessed in detail, through a robust EIA process, undertaken by a team of competent experts and, where required, compensatory measures and mitigation is proposed.

This Planning Statement also outlines the climate change, renewable energy, energy and planning policies and targets that are relevant material considerations to the determination of this application for the Proposed Development. The Scottish Government states in its January 2023 'Draft Energy Strategy and Just Transition Plan' that Scotland remains the UK's hydro capital, accommodating over 88% of the UK's hydro capacity. The Plan recognises that pumped hydro storage plays a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks by providing essential energy storage to balance the grid and make best use of intermittent renewable generation power (e.g., wind). Pumped Storage Hydro provides critical ancillary infrastructure and makes a vital and material contribution to decarbonising energy supply and the transition to net zero carbon emissions.

The need case is clear, as are the measurable contributions to renewable energy generation targets, support for intermittent renewables generation, and with the transition to net zero carbon emissions. Both UK and Scottish Government legislation and energy policy have for some considerable time provided a strong commitment to renewable energy and a reduction in greenhouse gas emissions in order to seek to tackle climate change. There is now growing consensus on the severity of climate change, including the impacts that climate change is already having both here in the UK and Scotland and across the world. As identified in this Statement, amendments to the Climate Change (Scotland) Act 2009 have been made by the Scottish Government, which recognise the urgent response that is required. These amendments set challenging statutory annual targets for every year that clearly demonstrate the speed of change that is required to reach net zero prior to 2030.

The Proposed Development is supported by very strong material considerations in legislation, policy, and targets at International, UK and National levels and the Applicant submits that this should play a material role in the determination of this application.

Overall, it is submitted that the Proposed Development is in accordance with the provisions of the Electricity Act 1989 and the Development Plan, and that there are no material considerations that indicate that consent should not be granted. It is considered that any significant effects of the proposed development that have been identified in the EIA Report do not outweigh its positive climate change, renewable energy, socio-economic and other benefits.

It is therefore concluded that when all relevant considerations have been considered, the planning balance strongly favours the granting of consent for the Proposed Development. On this basis, it is submitted that section 36 consent and deemed planning permission should be granted for the Proposed Development.

1. Introduction

1.1 The Application

1.1.1 SLR Consulting Ltd (SLR) has been commissioned to prepare this Planning Statement on behalf of Loch Kemp Storage Limited (the 'Applicant') to support an application for the construction and operation of a pumped storage scheme at Loch Kemp and Loch Ness (the 'Proposed Development'). The application is made under Section 36 of the Electricity Act 1989 (the Electricity Act). The Applicant also seeks deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

1.1.2 The Proposed Development is known as Loch Kemp Storage and comprises the building and operation a new pumped storage scheme of up to 600 MW, with a generation energy storage capacity of up to almost 9 Gigawatt Hours (GWh). The Proposed Development is located on Dell Estate and would utilise the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. Loch Kemp would be raised by approximately 28 m to allow drawdown for storage. The Proposed Development would also require eight dams and an inlet/outlet structure, a powerhouse building, a quayside above the inlet/outlet structure with a small pier into Loch Ness, and an access tunnel adit on the shore of Loch Ness. **Figure 1, Figure 2 and Figure 3** show the proposed site and application boundary.

1.1.3 The planning application is supported by an Environmental Impact Assessment ('EIA') Report setting out the findings of the EIA undertaken for the Proposed Development. This Planning Statement does not form part of the EIA Report however, reference is made to its conclusions in assessing the acceptability of the proposals.

1.2 The Applicant

1.2.1 Loch Kemp Storage Ltd is the Applicant and is a wholly owned subsidiary of Statera Energy (UK) Limited (SEL) who is the developer. SEL has 1,020 MW of battery storage and flexible generation projects in operation or under construction across the UK, with a further 13 gigawatts (GW) in development, comprising a mix of pumped storage, battery storage, flexible generation, and hydrogen production. SEL was created with the aim of delivering increased flexibility for the UK electricity system to assist in the transition to a low carbon economy. The Proposed Development would be an asset to achieving this goal.

1.3 The Purpose and Structure of this Planning Statement

1.3.1 The purpose of this Planning Statement is to explain the legislative framework within which the application for the Proposed Development requires to be considered. In doing so, material considerations that are relevant to the determination of this section 36 application are then identified and assessed. The Planning Statement then weighs up the planning case for the Proposed Development in the context of the full range of material considerations assessed.

1.4 Legislative Context for Determination of a S36 Application

1.4.1 As the Proposed Development will have an installed capacity of greater than 50MW, the application for consent and deemed planning permission is made to Scottish Ministers under section 36 of the Electricity Act 1989.

1.4.2 The Applicant has obligations under Schedule 9 of the Electricity Act 1989 which requires it to have regard to certain environmental matters when formulating development proposals. It is obliged to have regard to the desirability of preserving natural beauty, conserving listed natural heritage interests and to protecting sites, buildings, and objects of architectural and historical interest. It must also do what it reasonably can to mitigate any effects of Proposed Development and it must not impact fisheries or fish stocks in any waters. These provisions acknowledge that major energy projects are likely to engage impacts on these resources and the best time to consider them is at the iterative design stage of the project.

1.4.3 The Applicant has fulfilled all these duties by undertaking the project formulation as reported in the EIA Report accompanying this application. The EIA process encompasses consideration of all the matters set out in Schedule 9(3)(1)(a). Indeed, the EIA process has a broader topic range than that contained in the sub-paragraph. Furthermore, where significant effects are found as part of the EIA process, appropriate mitigation is proposed. The EIA Report sets out in detail how the Applicant has approached the design of the Proposed Development and how very careful consideration has been given throughout that process to the matters that are listed in sub-paragraph (1)(a). It is therefore considered that the Applicant has fulfilled the statutory requirements of Schedule 9.

1.4.4 In addition, Schedule 9 also imposes duties upon the Scottish Ministers when determining section 36 applications. They are obliged to have regard to desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) and must also have regard to the extent to which the Applicant has complied with its duties to mitigate any effects on those resources. Again, the Scottish Ministers can be satisfied that the EIA process has been undertaken appropriately and addresses these matters comprehensively.

1.4.5 In terms of determinations under section 36, there are no specific statutory presumptions that apply. As identified above, there are considerations which have to be considered and dealt with under Schedule 9. In that context, important factors that must be considered include United Kingdom and Scottish climate change and energy policy, Scottish Government planning policy, relevant provisions of the Development Plan and the views of statutory consultees and interested parties. All these matters are material and should be considered in the decision-making process. The ultimate weight of any particular factor in the decision-making process is a matter for the decision maker, though guidance on the weight that the Applicant considers should be afforded to these considerations is provided in this Planning Statement.

1.4.6 In the case of section 36 applications, it is important to note that the role of the Development Plan is not the same as in the case of a planning application made under the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that development must accord with the terms of the Development Plan, is not engaged in the case of a section 36 application. Whilst for such an application the Development Plan does not have primacy in the decision-making process, it may nonetheless be a material consideration in respect of determination of the application.

2. Project Overview

2.1 Introduction

2.1.1 This section introduces the site of the Proposed Development and provides an overview of the project description.

2.1.2 A detailed description of the Proposed Development is provided in **Chapter 3 Description of Development** in Volume 1 of the EIA Report.

2.2 Site Location and Description

2.2.1 The Proposed Development is situated on Dell Estate, approximately 13 kilometres (km) to the northeast of Fort Augustus. The Proposed Development comprises two main areas of work: the upper reservoir works comprising the upper reservoir (Loch Kemp), eight dams and an inlet/outlet structure; and the lower reservoir works comprising the lower reservoir (Loch Ness), a powerhouse building, a quayside above the inlet/outlet structure with a small pier into Loch Ness, and an access tunnel adit on the shore of Loch Ness. The upper and lower reservoir works would be linked by a series of underground tunnels on the hilltop between Loch Kemp and Loch Ness (see **Figure 1 – Upper Reservoir Area**).

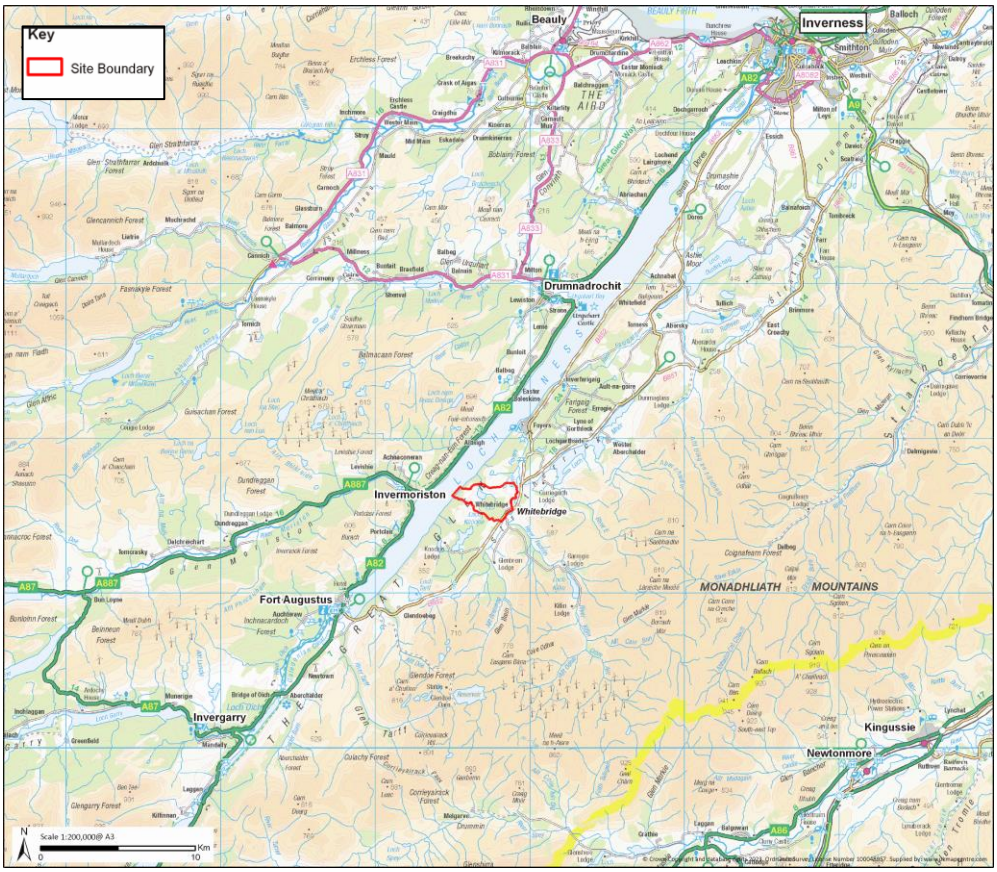
Figure 1 – Upper Reservoir Area

2.2.2 The Great Glen is a Glen in Scotland running for approximately 99 kms from Inverness on the edge of the Moray Firth, in an approximately straight line to Fort William at the head of Loch Linnhe. Well established hydro infrastructure is located in the Great Glen. Loch Ness is utilised by Foyers Pumped Storage Scheme and Glendoe Hydro Scheme, and Levishie Hydro Scheme is located in close proximity, with Dundreggan forming the lower reservoir, west of Invermoriston.

2.2.3 The consented Red John Pumped Storage Scheme is also proposed to be constructed at a location approximately 15 km northeast of the Proposed Development, near Dores. The consented Coire Glas Pumped Storage Scheme is proposed at a location 30 km southwest of the Proposed Development. Coire

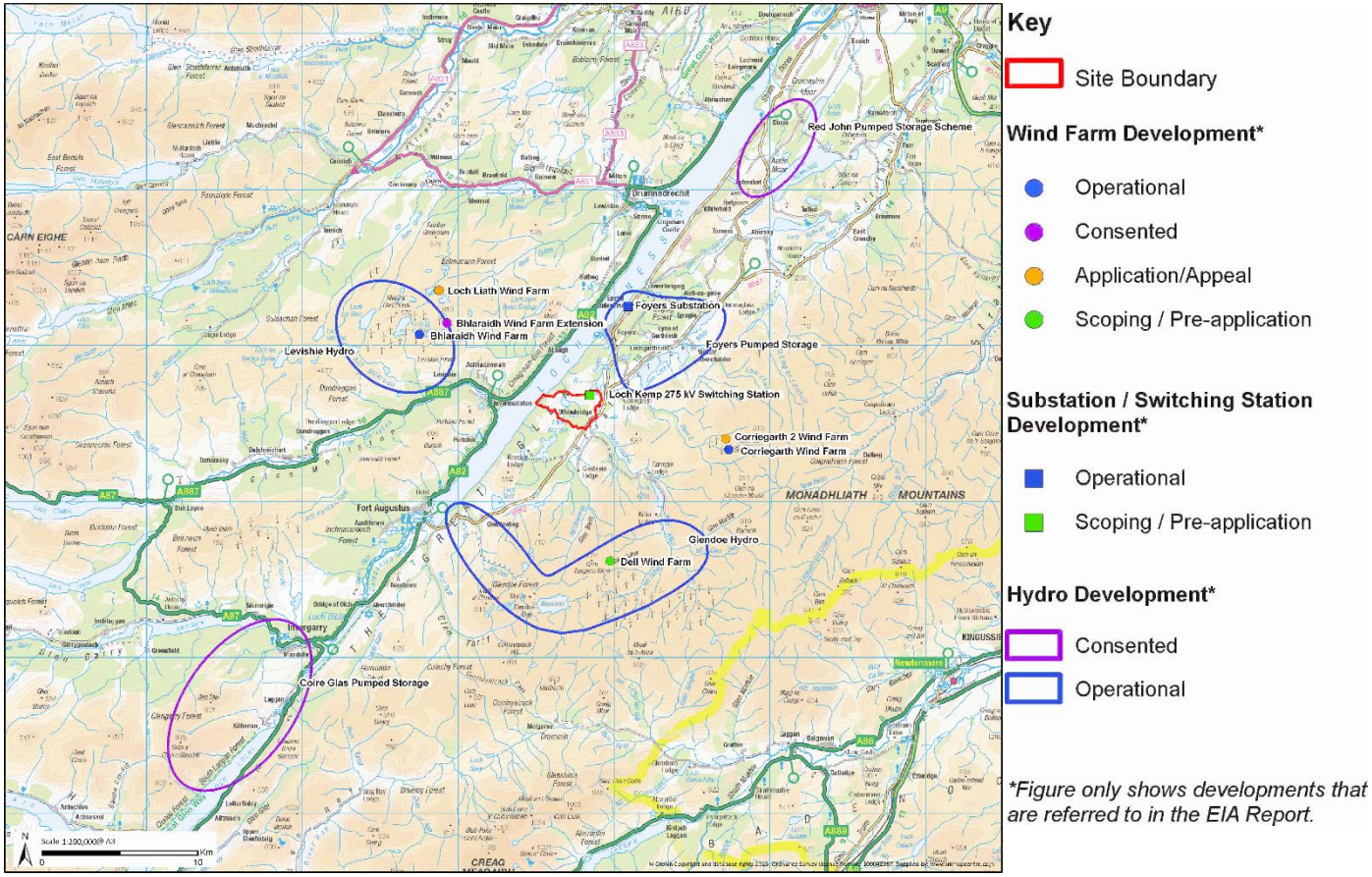
Glas would use Loch Lochy as its lower reservoir which is connected to Loch Ness via the River Oich and the Caledonian Canal. Please refer to **Figure 2 – Site Location Plan**.

Figure 2 – Site Location Plan



2.2.4 The landscape around the Proposed Development is also utilised by wind developments, as illustrated in **Figure 3.1: Site Context**. As well as wind farms that are operational, there are several other wind developments in the area that are either consented or in the planning process.

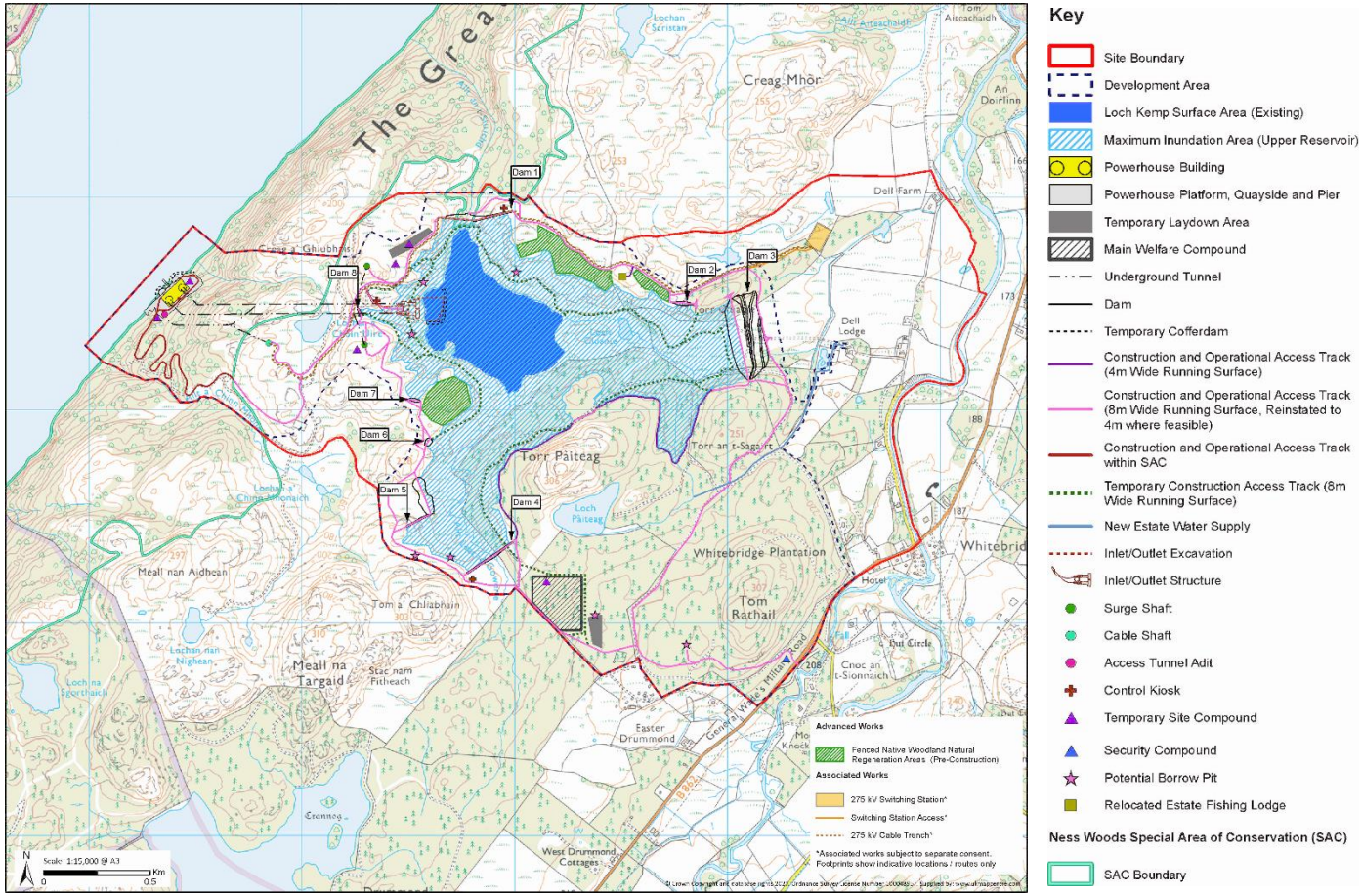
Figure 3 – Site Context



2.3 The Proposed Development

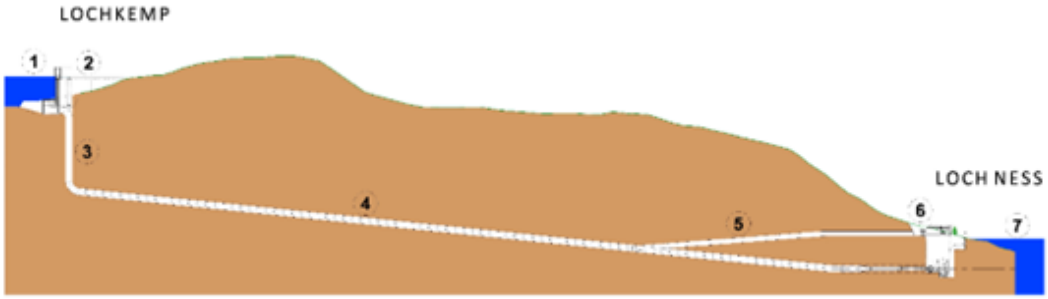
2.3.1 The Proposed Development comprises two main areas of work: the upper reservoir works comprising the upper reservoir (Loch Kemp), eight dams and an inlet/outlet structure; and the lower reservoir works comprising the lower reservoir (Loch Ness), a powerhouse building, a quayside above the inlet/outlet structure with a small pier into Loch Ness, and an access tunnel adit on the shore of Loch Ness. The upper and lower reservoir works would be linked by a series of underground tunnels with the inclusion of one or potentially two surge shafts (with associated access) on the hilltop between Loch Kemp and Loch Ness (see **Figure 4 – Proposed Development**).

Figure 4 – Proposed Development



2.3.2 The primary function of the Proposed Development would be to extract, store and release energy to or from the electricity transmission system as required to help balance supply and demand for power at a national scale. The Proposed Development would operate by transferring water between the lower reservoir (Loch Ness) and the upper reservoir (the enlarged Loch Kemp), through the tailrace tunnel, powerhouse, high pressure tunnel and headrace tunnel. **Figure 5 - Indicative Section through Loch Kemp Storage**, illustrates how the Proposed Development would operate.

Figure 5 - Indicative Section through Loch Kemp Storage[1]



2.3.3 Access during the construction and operation of the Proposed Development would utilise the existing B862 public road and Dell Estate forestry tracks (to be upgraded and extended) and would involve a new access junction onto the B862, and the creation of other new access tracks around the site, including a new access track to the lower reservoir works on the shore of Loch Ness.

2.3.4 The principal components of the Proposed Development, all of which would be subject to detailed design, are summarised below and described in further detail in this Chapter (see also **Figure 4 – Proposed Development**):

- **Dams and Upper Reservoir** – Four new saddle dams between 16 – 34 m high and four minor cut-off dams, would be constructed around Loch Kemp to enable the storage of water by increasing the size of the existing Loch Kemp to form the upper reservoir. The loch would be raised by approximately 28 m from its existing 177 m AOD elevation to approximately 205 m AOD.

- **Underground Waterway System** – Screened intakes would supply an underground tunnel system carrying water between the upper and lower reservoirs, through to the powerhouse. The underground waterway system may require two surge shafts located on a local high point between Loch Kemp and Loch Ness, dependent on results of hydraulic analyses during detailed design.

- **Powerhouse Platform Area and Access Tunnels** - The onshore elements of the tailrace area and the powerhouse building would be located on a large area of hardstanding over two levels, referred to as the powerhouse platform area. The upper and lower level would be connected by an access track to the rear (east) of the powerhouse building.

[1] Figure also included in EIA Report Chapter 1, page 2

- **Access tunnels** would be constructed from the powerhouse platform (via a tunnel adit) to facilitate access to the underground waterway system. These tunnels would be accessed from the upper powerhouse platform works.

- **Powerhouse Building** – A series of shafts with a surface building located on the shore of Loch Ness would contain reversible pump turbines and motor generators together with associated equipment such as transformers. The powerhouse building would also house administration and visitor facilities. Also located within the powerhouse building would be a 275 kV gas insulated switchgear (GIS) substation, firefighting equipment and an emergency diesel generator.

- **Tailrace Area** - A tailrace structure would be located on the shore of Loch Ness integral with the powerhouse building.

- **Quayside and Pier** - A quayside would also be constructed adjacent to the powerhouse building and outlet area. This would allow the delivery of larger items by boat during construction, such as the electrical and mechanical (E&M) equipment, as well as access to the powerhouse from the loch during the operating phase (including access by members of the public to the visitor centre).

- **Cable Tunnel and Vertical Cable Shaft** – A short cable tunnel would extend from the access tunnel connecting to a vertical cable shaft to facilitate the grid connection from the powerhouse building. The electricity cables (the subject of a separate consenting process) would be housed within this section of tunnel and would resurface outwith the Ness Woods Special Area of Conservation (SAC), to connect by buried underground cable to a new switching station near Loch Kemp (which is also the subject of a separate consenting process).

- **Access Tracks** – A series of temporary and permanent access tracks would be provided for the construction of the Proposed Development and for operational and emergency access. Existing estate access and forestry tracks would be upgraded where feasible but new access tracks would also be required. Tracks used for construction would generally be 8 m in width but would be reinstated to 4 m where feasible post construction for operation and emergency access.

2.3.5 Most of the rock from the excavated tunnels and shafts would be removed via the shafts and tunnel portals near the powerhouse building on the shore at Loch Ness. The excavated rock from the underground works would be reused in the dams, powerhouse platform area, powerhouse building, and localised area of construction works wherever feasible.

2.3.6 There would be a need for temporary site establishment and laydown areas in the vicinity of the upper reservoir and lower reservoir works. Borrow pits are required to provide aggregate to construct suitable access tracks and site establishment areas, in advance of tunnel spoil being available for use. An indicative main welfare compound and indicative locations for site compounds, temporary laydown areas and borrow pits are identified on **Figure 4 – Proposed Development**.

2.3.7 As the existing fishing lodge on the shore of Loch Kemp would be inundated by the increased water level proposed, it would need to be relocated above the top water maximum inundation level of the new upper reservoir.

2.3.8 A new water supply would be provided to Dell Lodge to ensure continuity of supply during the construction of the scheme.

Development Footprint

2.3.9 It is estimated that the permanent development footprint of the Proposed Development would be approximately 120.36 ha. During the construction period it is estimated that a further 81.35 ha would be temporarily required which would be reinstated following completion of the construction works. These areas are subject to detailed design, which would be finalised post-consent.

Construction Phase

2.3.10 It is anticipated that the main civil engineering construction period would last approximately 5 years subject to the successful contractor's approach. Please refer to Table 1 Indicative Construction Timeline for an indicative timeline. **Chapter 3 Description of Development** in Volume 1 of the EIA Report also contains further context regarding the construction programme. An outline Construction Environment Management Plan (CEMP), Peat Management Plan (PMP), Draft Borrow Pir Screening Report and an outline Spoil Management Plan support this application. Site Environmental Management will be the responsibility of the Principal Contractor.

Table 1 Indicative Construction Timeline

Task	Year 1	Year 2	Year 3	Year 4	Year 5
Site Establishment, including Felling of Trees and Construction of Access Tracks					
Form Platform at Lower Reservoir Works					
Tunnel Excavation and Underground Works					
Construction of Dams and Upper Reservoir Works					
Construction of Powerhouse Building, Substation and Above ground Lower Reservoir Works					
Site Reinstatement / Restoration					
Testing and Commissioning					

2.3.11 Additionally, ongoing engagement with the local community during the construction of the Proposed Development would be an important consideration for the Applicant and the Principal Contractor. A community liaison group would be set up to provide the local community with information about the timing of key construction activities and a mechanism by which concerns from within the local community could be shared and discussed.

Operational Phase

2.3.12 The Proposed Development would be manned 24 hours a day, with the majority of operations being controlled from the administration area of the powerhouse building. It is anticipated that the Proposed Development would require 18 operational staff members to operate the site plus an additional circa 7 staff employed in the visitor centre / head office etc. Regular maintenance visits would be made to inspect and maintain structures and components of the Proposed Development. Operational

maintenance will also be controlled by the Reservoirs (Scotland) Act 2011 and the requirements of the supervising engineer.

Decommissioning Phase

2.3.13 With proper maintenance it is anticipated that the Proposed Development would remain functional indefinitely. However, if the Proposed Development ceases operation, decommissioning would take place and it is anticipated that the site would be restored as follows:

- underground tunnels would be sealed;
- generation plant would be removed;
- where removal of infrastructure would result in more damage than leaving in place, it would be left in-situ; and
- disturbed ground would be reinstated.

2.3.14 Full details of the decommissioning plan would be agreed with the appropriate authorities and landowners prior to any decommissioning works commencing.

2.4 Benefits of the Proposed Development

Renewable Electricity Generation

2.4.1 The development of Loch Kemp for pumped hydro will deliver energy security, lower emissions, and provide economic uplift for the Highlands.

2.4.2 Through the development of Pumped Storage Hydro, Loch Kemp presents a real opportunity to help significantly lower carbon emissions and manage the country's electricity system on the route to Net Zero. The proposed scheme has the potential to supply clean electricity for to the equivalent of 1,000,000 homes.

Figure 6 – Statistics of Renewable Energy Benefits[2]

Peatland Restoration and Habitat Management Benefits

2.4.3 A Peatland Management Plan (PMP) has been produced and supports the application, which shows the Proposed Development and recorded peat depths, the results of peat coring and details measures for safeguarding peat and carbon rich soils. It has been concluded that the disturbance of peat and soils as a result of construction of the Proposed Development, can be minimised and the peat deposits safeguarded. With the identified safeguards and proposed good practice methodologies, the potential impact on deposits of soil and peat is assessed as negligible and thus the significance of effect is Negligible. Therefore, no additional mitigation, over and above the proposed site supervision, is required.

2.4.4 In respect of habitat management (refer to **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 14: Geology, Soils and Water and Chapter 19: Forestry** contained in Volume 1 of the EIA Report), there are a number of habitats identified on Site. Therefore, an Outline Habitat Management Plan (non-SAC) (oHMP) has been produced for the Proposed Development (refer to EIA Report **Volume 4, Appendix 10.7**).

2.4.5 The OHMP (non-SAC) sets out the proposed habitat and peatland restoration and management measures in relation to the Proposed Development[3], which would remain in place for the lifetime of the Proposed Development. These measures are required to provide compensation for potential adverse effects on important ecological features, notably blanket bog, increase native woodland, improve the Special Areas of Conservation condition, and to provide significant biodiversity enhancements, in accordance with Scotland's National Planning Framework 4 (NPF4), Policy 3: Biodiversity.

Socio-economic Benefits

2.4.6 The Proposed Development will contribute to the vision of sustainable economic growth and sustainable places through new investment and employment. As stated within **Chapter 20: Socio-economics and Tourism**, this proposal will create new temporary jobs through the construction programme with an average of around 356 people on-site during the construction phase, and a total of 1,716 construction related years of employment. The Proposed Development would create 25 new full-time jobs once fully

[2] About - Loch Kemp Storage

[3] This covers the area outside of the SAC. The Compensatory Measures Package within the SAC is set out in the Derogation Report

operational (operational staff for the pumped storage hydro plant and head office & visitor centre staff etc). Construction and operational effects would bring notable Gross Value Added (GVA) impacts, as well as wider additional impacts, including supporting policy ambitions, perception benefits, salary benefits, exchequer benefits, local supply chain opportunities and pre-development impacts.

2.4.7 During operation the Proposed Development could act as a visitor attraction in itself, as it is proposed that the powerhouse building would include visitor facilities, such as an information centre and a viewing platform. Visitor access to the powerhouse building would be via organised boat trips only. Further information is provided in **Chapter 3: Description of Development** in Volume 1 of the EIA Report.

Land Use and Recreation Benefits

2.4.8 Temporary localised significant effects have been identified for users of some of the Dell Estate tracks that pass through the Site during construction, due to the diversion of some routes and the presence of construction traffic using tracks in close proximity, as well as for recreational users of a section of the B862. These effects are anticipated to be localised Moderate and temporary, reducing to non-significant levels during the operation of the Proposed Development. Mitigation in the form of a Draft Outdoor Access Management Plan (OAMP) would be put in place to minimise effects as far as practicable. The Draft OAMP would be reviewed and updated as necessary prior to commencement of construction works. Thereafter, the approved OAMP would be a 'live' document and reviewed annually during the construction period by the appointed Principal Contractor.

2.4.9 The impact of the loss of woodland (excluding forestry areas) as a resource within the Site is considered locally Moderate (significant adverse effect) during construction. However, the mitigation proposed, which includes extensive woodland habitat creation, would reduce effects in the longer term to Negligible (not significant) during operation within the Site, and the wider study area.

2.4.10 Therefore, whilst the Proposed Development would result in some temporary significant effects during construction, mitigation measures would result in an Outdoor Access Management Plan and extensive woodland habitat creation.

2.4.11 Please refer to the Draft OAMP and **Chapter 9: Land Use and Recreation** in Volume 1 of the EIA Report for further information.

3. Planning Policy Assessment

3.1 Introduction

3.1.1 To assist in the decision-making process, this section of the Planning Statement assesses the Proposed Development against the relevant provisions of the Development Plan and other relevant material considerations.

3.1.2 For the purposes of this application, the relevant Development Plan consists of the National Planning Framework Four (NPF4), the Highland Wide Local Development Plan (HWLDP) (2012), and the adopted Inner Moray Firth Local Development Plan (IMFLDP) (2015).

3.1.3 Section 24 of the 1997 Planning Act as amended by Section 13 of the Planning (Scotland) Act 2019 confirms that where any incompatibility arises between the NPF4 and the Local Development Plan, more weight is to be afforded to the later in date.

3.2 Development Plan Policy

National Planning Framework 4 (NPF4)

3.2.1 The Scottish Government's current national planning policy is set out in the Fourth National Planning Framework (NPF4), which replaces the Third National Planning Framework (NPF3) and Scottish Planning Policy (SPP).

3.2.2 Following Consultation and Parliamentary Committee scrutiny, a Revised Draft NPF4 was laid before the Scottish Parliament on 8th November 2022. This was subsequently approved by the Scottish Parliament and adopted by the Scottish Ministers on 13th February 2023. NPF4 has for the first time incorporated Scottish Planning Policy and is part of the Statutory Development Plan.

3.2.3 The NPF4 includes the following parts:

- Part 1 – A National Spatial Strategy for Scotland 2045
- Part 2 – National Planning Policy
- Annex A – How to use this document
- Annex B – National Developments Statements of Need
- Annex C – Spatial Planning Priorities
- Annex D – Six Qualities of Successful Places
- Annex E – Minimum All-Tenure Housing Land Requirement
- Annex F – Glossary of definitions
- Annex G – Acronyms

- Footnotes

3.2.4 Annex A details how the Framework is to be used in decision making. It presents planning policies that will guide and contribute towards the vision of Scotland in 2045 and clarifies that NPF4 should be read as a whole. In this section, it is stated that eighteen national developments are identified and are defined as 'significant developments of national importance that will help to deliver the spatial strategy'. Pumped Hydro Storage is identified as one of the national developments.

3.2.5 NPF4 clearly sets out in Annex B that the need for pumped hydro storage in principle is established.

3.2.6 National Development 2 is for Pumped Hydro Storage, and it is considered to be applicable to the whole of Scotland. The NPF provides that it will "*play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of our transition to net zero. This is necessary as we continue to move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions."*

3.2.7 It goes on to state that "*This national development supports additional capacity at existing sites as well as at new sites …".*

3.2.8 This national development supports significant new and expanded sites and these developments in turn support the transition to a net zero economy through its ability to optimise electricity generated from renewables through storage and release of electricity as required.

NPF4 Spatial Strategy - Part 1

3.2.9 Part 1 of NPF4 consists of the National Spatial Strategy for Scotland 2045. There are six overarching spatial principles which will play a key role in delivering the United Nations Sustainable Development Goals including:

- Just transition
- Conserving and recycling assets
- Local living
- Compact urban growth
- Rebalanced development
- Rural revitalisation

3.2.10 In applying the above spatial principles, the national spatial strategy will support the delivery of:

- Sustainable places, where we reduce emissions, restore, and better connect biodiversity
- Liveable places, where we can all live better, healthier lives
- Productive places, where we have a greener, fairer and more inclusive wellbeing economy

3.2.11 The Proposed Development will directly contribute to delivery of 'sustainable places'. NPF4 states that "*Every decision on our future development must contribute to making Scotland a more sustainable*

place." and recognises Pumped Hydro Storage as one of the six national developments that would contribute to delivering this. It states, "*Pumped Hydro Storage extends hydro-electricity capacity to support the transition away from fossil fuels, whilst also providing employment opportunities in rural areas.*"

3.2.12 In parallel with the above, NPF4 also recognises that in order to "*respond to the global biodiversity crisis, nature recovery must be at the heart of future place"*. In line with this, Scotland will seek to secure positive effects for biodiversity and contribute to net zero with future developments and efficient land use.

3.2.13 The climate emergency and nature recovery are a key focus of NPF4 and are given significant weight in determining applications. It is a shift from previous planning policy responses to climate change, but it provides direction to decision makers on the weight of these issues on development proposals and recognises that these issues are inter-related.

NPF4 National Planning Policy – Part 2

3.2.14 Part 2 of NPF4 details the national planning policies in order of the three themes referred to in part 1. Policies 1 to 13 pertain to sustainable places, policies 14 to 24 relate to liveable places, and policies 25 to 33 are associated with delivering productive places. For the avoidance of doubt, Annex A of NPF4 states that "*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case-by-case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*."

3.2.15 As previously mentioned, the policies concerning the delivery of sustainable places are most relevant to the Proposed Development, particularly Policy 1: Tackling the Climate and Nature Crisis, Policy 2 Climate Mitigations and Adaptation, Policy 4 Natural Places, and Policy 11 Energy. Nevertheless, all relevant policies have been assessed below.

3.2.16 For conciseness this statement has only addressed the relevant parts of each Policy. Please refer to the below NPF4 Policy Review Tables.

Policy 1: Tackling the Climate and Nature Crises

3.2.17 The key focus of NPF4 in addressing the global climate emergency and nature crisis is underpinned by Policy 1 Tackling the Climate and Nature Crisis. This policy sets out the weight and priority that should be attributed to these issues when assessing development proposals. "*Policy 1 gives significant weight to nature crisis to ensure that it is recognised as a priority in all plans and decisions*.".

3.2.18 Renewable energy is one of the main means of addressing climate change and pumped hydro storage developments play a critical role in supporting the transition to net zero and in achieving the Scottish Government's targets. Therefore, significant weight should be accorded in favour of the Proposed Development under this policy.

3.2.19 The natural environment and context of the Proposed Development Site has been a key consideration in the design, and the EIA Report provides evidence that the final design has sought to avoid and mitigate adverse impacts. In summary there are several embedded mitigation measures, including CEMP, a Pollution Prevention Plan (PPP) and a Water Quality Monitoring Programme, and there are further mitigation and compensation measures that will result in the restoration of peatland and habitat

restoration, habitat management, and a net increase in woodland cover. The Proposed Development's full package of benefits includes:

- Reducing C02 emissions by hundreds of thousands of tonnes
- Providing the equivalent of 1,000,000 homes with electricity
- Delivering socio-economic and tourism benefits during construction and operation
- Delivering both temporary jobs through the construction phase, and 25 new full-time jobs once fully operational
- Providing security of a long-term, reliable, and green energy source
- Delivering of extensive woodland habitat creation and a net increase in woodland cover through a Habitat Management Plan and Forest to Bog proposals
- Providing a powerhouse building with a design concept which reflects the landscape character landscape character (horizons, slopes, scale, colour, tones, and materials) and which would include visitor facilities, such as an information centre and a viewing platform, and could become a visitor attraction in itself.

3.2.20 The Proposed Development is supported by Policy 1 of NPF4. Table 2 below provides the policy text and analysis.

Table 2 Analysis of NPF4 Policy 1 against the Proposed Development

Relevant Policy Text	**Analysis**
"When considering all development proposals significant weight will be given to the global climate and nature crises."	The Proposed Development is for Pumped Storage Hydro that would have an installed capacity of up to 600 MW and a generation energy storage of up to almost 9 Gigawatt Hours (GWh). As Scotland and the UK transition to a net zero energy system, it is recognised that pumped hydro storage is part of critical developments which will contribute to sustainable places and to achieving the Scottish Government's net zero targets. With regard to considering the nature crisis, the relevant chapters of the EIA Report include **Chapter 10: Terrestrial Ecology**, **Chapter 11: Ornithology**, **Chapter 12: Aquatic Ecology**, and **Chapter 19: Forestry**. The Proposed Development would have a significant positive effect in addressing the nature crisis through the compensatory woodland creation and restoration, peatland restoration, and other habitat creation and management measures proposed, to be delivered via a Compensation Package specifically for Ness Woods SAC, alongside a Habitat Management Plan (HMP) for the remainder of the Proposed Development.

Policy 2: Climate mitigation and adaptation

3.2.21 The final siting and design of the Proposed Development is a result of an iterative process considering engineering feasibility, design works, economic considerations, environmental survey data and consultation responses. In balancing these elements, the final design has sought to be its most efficient and in minimising greenhouse gas emissions. As such, the Proposed Development can draw support from NPF4 Policy 2. Table 3 below provides the policy text and analysis.

3.2.22 Policy 2 also underpins the key themes of NPF4 in addressing climate change and supports Policy 1 by ensuring that *"emissions from new development are minimised as far as possible"*. As mentioned previously, pumped hydro storage is a key type of renewables development which should be supported to complement Scotland's net zero transition.

Table 3 Analysis of NPF4 Policy 2 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible."	Emissions associated with the Proposed Development would be limited to temporary emissions of exhaust gases from vehicles and construction plant, and the potential for the release of carbon dioxide as a result of dewatering and exposing peat and peat soils during construction. **Chapter 18: Air Quality** concludes that emissions from Non-Road Mobile Machinery (NRMM) would be negligible (Not Significant). Peat probing has been undertaken to confirm the depth and condition of peat on-site and has been used to inform the site design to avoid areas of deep peat as far as practical, as described in **Chapter 2: Design Evolution and Alternatives**. In particular, Dams 3 and 5, access tracks and switching stations have been located and designed to avoid areas of deep peat. Measures that would be implemented to minimise the dewatering and exposing of peat / peat soils that would be disturbed during construction are included as part of **Volume 4, Appendix 14.1: Peat Management Plan**. In addition Peatland restoration to compensate for the loss of peatland habitats is proposed as part of the Habitat Management Plan (see **Volume 4, Appendix 10.7: Outline Habitat Management Plan (non-SAC)**). A compensatory planting plan has been prepared in line with the Scottish Government's Control of Woodland Removal Policy and is included as part of **Volume 4, Appendix 19.2: Loch Kemp Pumped Storage Woodland Management Plan**. This will ensure that there would be no permanent net loss of tree carbon as a result of the Proposed Development. In Summary, the Proposed Development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and would contribute to connecting green electricity generation capacity to the transmission network, in turn displacing emissions associated with fossil fuel-based electricity generation elsewhere and positively contributing to Scotland's climate change targets
"b) Development proposals will be sited and designed to adapt to current and future risks from climate change."	In terms of climate adaptation, consideration has been given to the potential implications of climate change on the design of the Proposed Development (e.g., design for increased flood risk and adverse weather); however, no potential for significant impacts have been identified and therefore it is considered that the Proposed Development is suitably resilient to adapt to current and future risks from climate change.
"c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported."	Not applicable - the Proposed Development does not retrofit measures to existing development.

Policy 3: Biodiversity

3.2.23 Policy 3 plays an important role in ensuring that development will secure positive effects on biodiversity. It seeks to rebalance the planning system in favour of conserving, restoring, and enhancing biodiversity and promotes investment in nature-based solutions, benefiting people and nature.

3.2.24 Policy 3(a) states that:

"*Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible*."

3.2.25 Policy 3(b) states that:

"*Development proposals for national, major or Environmental Impact Assessment (EIA) development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention*."

3.2.26 Part (b) continues and sets five criteria that development proposals for such development proposals will be required to meet. In considering the Proposed Development against this section of the policy, it should be noted that no guidance is available on how 'significant biodiversity enhancements' are to be measured and assessed. In February 2023, the Chief Planner letter to Scottish Planning Authorities[4] states "*currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland*."

3.2.27 **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 14: Geology, Soil and Water, and Chapter 19: Forestry** of the EIA Report all draw on a series of desk-based and field-based surveys and research to compile the site's baseline characteristics and context and to assess the developments impact and likely significant effects. These chapters assess whether there are any significant effects and set out the measures to be undertaken to conserve, restore or enhance biodiversity. Key measures are set out in the paragraph below.

3.2.28 The Proposed Development itself is contributing to the transition to net zero and emissions and carbon reduction, however the mitigation and compensation measures proposed would also allow for biodiversity enhancement, thus gaining support from Policy 3 of NPF4. Habitat creation and enhancement is detailed in Section 10.9 of the EIA Report (**Chapter 10: Terrestrial Ecology)**. A HMP would be implemented as part of the Proposed Development to compensate for the direct and indirect loss of sensitive natural/semi-natural habitats (excluding Ness Woods SAC) compensatory measures, notably blanket bog and heath, as a result of construction of the Proposed Development, and to provide significant biodiversity enhancements, in accordance with planning policy requirements, including NPF4. In addition, a Compensatory Measures Package for the Ness Woods SAC has also been developed in consultation with NatureScot and forms a standalone document alongside the EIA Report. This document details compensatory measures that will be undertaken to account for the loss of qualifying woodland habitat within the SAC.

[4] https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/

3.2.29 Habitat creation and enhancement is detailed in Section 10.9 (**Chapter 10 Terrestrial Ecology**). Proposed habitat creation and enhancement is also detailed in **Appendix 10.7: Outline Habitat Management Plan (non-SAC)**. The measures proposed in these documents would offset the predicted loss of habitat. In the medium to long-term, the planting of broad-leaved native woodland, peatland restoration and other habitat creation and management measures as detailed in Section 10.9, to be delivered via the HMP (non-SAC), would provide suitable alternative habitat for these species once the planting matures and restoration measures improve habitat condition. Therefore, on balance, the Proposed Development would result in an overall net increase in biodiversity value as a result of the Applicant's approach to conserving, restoring, and enhancing diversity.

3.2.30 Table 4 below provides the policy text and analysis for policy 3.

Table 4 Analysis of NPF4 Policy 3 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible."	The Proposed Development includes mitigation measures including restoring degraded habitats, which would contribute to biodiversity enhancement including: • Peatland and Habitat Restoration included in a Habitat Management Plan; • Compensatory planting resulting in a net increase in woodland cover; and • Compensatory Measures Package for the Ness Woods SAC which includes a commitment to restore the SAC habitats within Dell Estate from unfavourable to favourable status Further information on this is available in Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 14: Geology, Soil and Water, and Chapter 19: Forestry of the EIA Report.
"b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria: i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation.	**Chapter 10: Terrestrial Ecology**, **Chapter 11: Ornithology**, and **Chapter 12: Aquatic Ecology** of the EIA Report were compiled following desk based and field-based surveys and provide the local, regional, and national ecological context of the Proposed Development site. Following the mitigation hierarchy, the proposed site location and layout were finalised following an iterative process which responded to the baseline studies constraints identified. Further detail on this can be found in **Chapter 2: Design Evolution and Alternatives** of the EIA Report. Important Terrestrial Habitats where Significant Effects have been Predicted in relation to habitat loss are as follows: Ness Woods SAC / Easter Ness Forest SSSI; Broad-leaved woodland (outwith Ness Woods SAC); Long-established woodland of plantation origin; Upland heathland (dry dwarf shrub heath and wet dwarf shrub heath); and Blanket bog and Wet modified bog. This habitat loss would be compensated for by habitat restoration, creation and re-instatement as detailed in Section 10.9 (**Chapter 10: Terrestrial Ecology**). Proposed habitat creation and enhancement is also detailed in **Appendix 10.7: Outline Habitat Management Plan (non SAC).** The measures proposed in these documents would offset the predicted loss of habitat. In the medium to long-term, the planting of broad-leaved native woodland, peatland restoration and other habitat creation and management measures as detailed in Section 10.9, to be delivered via the oHMP (non SAC), would provide suitable

Relevant Policy Text	Analysis
This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered."	alternative habitat for these species once the planting matures and restoration measures improve habitat condition. Alongside the oHMP (non-SAC) a specific Compensation Package specifically for Ness Woods SAC would be developed. This includes management to restore woodland within and adjacent to Ness Woods SAC details of which are provided in a separate Derogation Report. Monitoring would be undertaken to measure the success of the restoration and management measures, to measure the achievement of the aims and objectives of the oHMP (non-SAC), and to inform adaptive management and remedial action as necessary. In terms of ornithology, where possible construction (including enabling works and felling) would avoid being commenced in the breeding bird season (later March to end of July inclusive) to minimise disturbance to nesting birds. However as the construction of the Proposed Development is anticipated to take approximately 5 years to complete, it would not be possible for all works to be undertaken outwith the breeding bird season Therefore where it is not possible to schedule all works outwith the breeding bird season, the appointed Environmental Clerk of Works (ECoW), or suitably qualified ornithologist, would undertake pre-construction surveys to identify the presence of protected bird species and nests. If a nest of any bird is found during pre-construction surveys, the EcoW would ensure a number of mitigation measures as outlined in **Chapter 11: Ornithology** would be implemented. These would include the regular monitoring of birds present within the proximity of works to ensure any nests are promptly located, identified and suitably protected from damage or disturbance. During the operational phase for ornithology there are a number of enhancement measures outlined in **Volume 4, Appendix 10.7: Outline Habitat Management Plan (non SAC)**. These include provision of barn owl (*Tyto alba*) boxes and, in line with the Highland Nature Biodiversity Action Plan (HNBAP), some land management practices to enhance the habitat for upland waders (predominantly curlew (*Numenius arquata*), lapwing (*Vanellus vanellus*) and snipe), all HNBAP priority species. In relation to fish a number of mitigation measures are outlined in **Chapter 13: Fish**. In addition to these, compensation and enhancement in relation to Riverine Fish Habitat would take the form of Improving fish passage by opening up the channel on the Allt Paiteag between Loch Cluanie and the limit of maximum inundation. This would allow brown trout access to the upper reaches of the Allt Paiteag where spawning may take place. Spawning habitat could be improved in the upper reaches by the addition of gravel sized sediment and in-stream habitat could be improved by the addition of boulder sized sediment, providing cover for fish. Coarse woody debris (CWD) would be submerged around loch shoreline areas and secured in place to create new habitats for loch macroinvertebrates. Broadleaved trees removed during the construction of the Proposed Development can be reused for this purpose. This would also provide an added benefit for fish. Areas for CWD submersion would be confirmed in the final project oHMP (non-SAC) and would comprise lochs/lochans which are not subject to rapid water level changes, such as such as Lochan a Choin Uire, Loch Paiteag, Lochan a Mhonaich, Lochan nan Nighean and Lochan Scristan.

Relevant Policy Text	Analysis
	These measureswould be implemented through the final oHMP. An outline HMP is provided in **Volume 4, Appendix 10.7 of the EIA Report.** Monitoring would take the form of a Fish Monitoring Plan (FMP) which would be implemented to monitor the impacts of the operational scheme on fish. In addition a CEMP, PPP and Water Quality Monitoring Programme (WQMP) would be implemented by the Principal Contractor and overseen by a Freshwater Ecologist or Aquatic Clerk of Works (ACoW) with experience of working with aquatic ecosystems. In relation to Loch Macroinvertebrates similar Compensation / Enhancement measures as those described above for fish would be undertaken. As described in **Chapter 12: Aquatic Ecology**, CWD would be submerged around shoreline areas within the Site Boundary to create new habitats for loch macroinvertebrates. Trees removed during the construction of the Proposed Development can be reused for this purpose. Areas for CWD submersion would be confirmed in the final HMP, and would comprise retained riverine habitat, and lochs/lochans which are not subject to rapid water level changes, such as Lochan a Choin Uire, Loch Paiteag, Lochan a Mhonaich, Lochan nan Nighean and Lochan Scristan. A WQMP would be implemented by the Principal Contractor and overseen by an Aquatic Ecologist / ACoW. These measures would include Biosecurity measures which will protect against the spread of INNS during the construction phase.
"c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement."	Not applicable – the Proposed Development is a not a local development.
"d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration."	**Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 14: Geology, Soil and Water**, and **Chapter 19: Forestry** of the EIA Report provide further detail on how potential effects from the Proposed Development have been minimised or mitigated and compensated and details of the enhancements proposed. Biodiversity Net Gain provision outside of the SAC is set out in the oHMP (non-SAC) provided in **Volume 4, Appendix 10.7. Within the Ness Woods SAC**, the Compensatory Measures Package is set out in the Derogation Report. Overall, the proposals will result in a biodiversity net gain.

Policy 4: Natural Places

3.2.31 The intent of Policy 4 is to ensure that natural assets are protected, restored, and enhanced. Policy 4 is concerned with the assessment of development proposals against the natural environment, including European, national, and local designations.

3.2.32 In assessing the Proposed Development, **Chapter 7: Water Management, Chapter 8: Landscape and Visual Impact Assessment, Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 14: Geology, Soils and Water** and **Chapter: 19 Forestry** of the EIA Report and

the **Shadow Habitats Regulation Assessment** (HRA) all conclude that there are no significant adverse effects on natural assets with the application of the proposed mitigation measures.

3.2.33 Therefore, upon review of the policy wording, as detailed in Table 5 below, it is submitted that the proposals are compliant with Policy 4 Natural Places.

Table 5 Analysis of NPF4 Policy 4 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported."	Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, and Chapter 19: Forestry have assessed the Proposed Development's impact against the natural environment. **The Terrestrial Ecology and Ornithology chapters** concluded that there would be no residual effect on birds from construction or operational activity provided that standard mitigation measures (provision of Ecological Clerk of Works (ECoW)) are applied. **The Aquatic Ecology chapter** concluded that none of the potential significant effects were deemed to be significant adverse effects and the Proposed Development would have embedded mitigation including a CEMP, a PPP and a WQMP. **The Forestry Chapter** highlights the beneficial impact of an increase of woodland from 237.00 ha to 257.62 ha including an increased proportion of native woodland and associated open ground habitats including the forest to bog restoration areas This net increase in woodland cover would contribute to Scotland's target of 21% woodland cover increase by 2032 identified in the Climate Change. **The Forestry chapter** therefore confirms that the proposed mitigation in the form of compensatory planting would result in a net increase of woodland cover locally. These mitigation measures will ensure that the development is acceptable in compliance with the policy.
"b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives."	A Shadow HRA has been provided as a standalone document which includes information on the appropriate assessment of the implications for the conservation objectives. For Loch Knockie and nearby Lochs SPA, North Inverness Lochs SPA, Loch Ruthven SPA and Loch Ashie SPA, likely significant effects are screened out. For River Moriston SAC it was concluded that with the adoption of mitigation measures, no conservation objectives would be undermined for mussels and the conservation objectives for the distribution and habitat of salmon are unlikely to be compromised. No Conservation Objectives would be undermined for Urquhart Bay Wood SAC. Regarding Ness Woods SAC, the Shadow **HRA** concluded that a stage 3 (assessment of alternatives) and stage 4 (assessment of IROPI - imperative reasons of overriding public interest) would be required due to identified adverse effect on its integrity. As set out in the standalone Shadow HRA, the Applicant has demonstrated that derogation is appropriate in this case.

Relevant Policy Text	Analysis
	Furthermore, **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, and Chapter: 12 Aquatic Ecology** of the EIA Report have concluded that the Proposed Development is not likely to have a significant effect on existing or proposed European site, provided that the proposed mitigation is implemented successfully.
"c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes."	**Chapter 8: Landscape and Visual Impact Assessment** has considered all landscape designations, there are no nationally designated sites within the study area. Easter Ness Forest SSSI and Urquhart Bay Wood SSSI form part of the site and have been assessed as part of **Chapter 10: Terrestrial Ecology**. After mitigation, no significant adverse effects on these SSSI's have been assessed during operation However, compensation and enhancement measures provided as part of the HMP would remain in place during the operational phase and monitoring of the measures provided as part of the HMP would also continue during the operational phase (Section 10.9 and **Appendix 10.7: Outline Habitat Management Plan (non-SAC)**). During construction, no significant effects have been concluded after embedded mitigation and good practice measures are applied. These are detailed in Section 10.7, as well as in the draft CEMP, **Chapter 7: Water Management, Chapter 14: Geology, Soil and Water,** and **Chapter 18: Air Quality** and as outlined in **Volume 4, Appendix 3.3: Outline CEMP**. In addition to the above SSSI's, an assessment on the potential impacts on the qualifying features of Knockie Loch SSSI are included in paragraph Section 11.7.7 **of Chapter 11: Ornithology** of the EIA Report and associated appendices. There are no identified significant adverse impacts on Knockie Loch SSSI.
"d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance."	The majority of the Site itself and a large central portion of the study area falls within the Loch Ness and Duntelchaig Special Landscape Area (SLA). The assessment contained within **Chapter 8: Landscape and Visual Impact Assessment** has determined that although during the construction of the Proposed Development there would be some temporary localised significant effects on the SLA, these effects would reduce to a non-significant level during operation, and it is therefore considered that the integrity of the SLA designation would not be affected. The need for and benefits of the Proposed Development are considered to outweigh any temporary adverse impacts arising during construction. The case for the Proposed Development is set out in section 2.4 Benefits of the Proposed Development.
"e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance."	The precautionary principle as it relates to the environment requires that decision-makers take a precautionary where there is a level of uncertainty about environmental impacts, or where scientific information is lacking about a specific issue. This requires that protective measures are required where there is doubt as to whether an adverse impact can be ruled out. The potential impacts of the Proposed Development on environmental resources and receptors and its likely significant effects, have been assessed in detail, through a robust EIA process, undertaken by a team of competent experts and, where required, compensatory measures and mitigation is proposed, as outlined within this Planning Statement and the supporting technical documents, including those listed in paragraph 1.10.32.

Relevant Policy Text	Analysis
"f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."	The Proposed Development is not likely to have a significant adverse effect on species protected by legislation, provided that the proposed mitigation is applied. Further detail is provided in **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, and Chapter 12: Aquatic Ecology** of the EIA Report.
"g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration."	**Chapter 8: Landscape and Visual Impact Assessment** of the EIA Report confirms that due to the small area included in the Wild Land Area (WLA 20), distance to the Proposed Development, and limited ZTV coverage, WLA20 has been scoped out of the assessment. There are no nationally designated sites within the study area. A small part of Wild Land Area (WLA) 20: Monadhliath would be included within the study area. WLAs have been defined by SNH (now NatureScot), as those areas comprising the greatest and most extensive areas of wild characteristics within Scotland. Although not a designation, these areas are given protection within the planning system through NPF4. Due to the small area included, distance to the Proposed Development and limited ZTV coverage WLA 20 has been scoped out of the assessment. Further detail is provided in **Chapter 8: Landscape and Visual Impact Assessment** of the EIA Report.

Policy 5: Soils

3.2.34 Policy 5 of NPF4 provides significant protection for peatland and carbon rich soils. More specifically, NPF4 states that this policy's intent is "*To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.*".

3.2.35 Policy 5(c) clarifies that development on peatland, carbon-rich soils and priority peatland habitat will only be supported for "*renewable energy generation that optimises the contribution of the area to greenhouse gas emissions reductions targets*" or "*restoration of peatland habitats*". In line with this, the Proposed Development for Pumped Storage Hydro is recognised to play a critical role in supporting renewable energy generation in the local area as essential ancillary infrastructure for intermittent renewables generation for local onshore wind farms. Loch Kemp will have a measurable contribution to the overall net zero transition. **Chapter 10: Terrestrial Ecology** and **Chapter 14: Geology, Soils and Water** of the EIA Report confirms that following a comprehensive peat probing exercise undertaken as part of the baseline assessment, several discrete areas of Class 1 peatland are located within the site boundary. This has informed the Peatland Management Plan and Habitat Management Plan and their proposed mitigation measures.

3.2.36 The Proposed Development is considered to be in compliance with Policy 5 as it: follows the mitigation hierarchy in the design and construction; it provides appropriate compensation and enhancement through Peatland Management and Restoration (and through best practice measures during construction); and the Proposed Development in itself would contribute to reducing carbon emissions.

Table 6 Analysis of NPF4 Policy 5 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals will only be supported if they are designed and constructed: i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing."	In line with the mitigation hierarchy, the proposed site location and layout were finalised following an iterative process first avoiding and then minimising the disturbance to soils on undeveloped land. Further detail on this can be found in **Chapter 2: Design Evolution and Alternatives** of the EIA Report. In addition, construction measures are proposed to mitigate the effects of compaction and erosion and protect the soil from damage. Further detail on this can be found in **Chapter 14: Geology, Soils and Water** of the EIA Report.
"b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required."	**Chapter 8: Landscape and Visual Impact Assessment** of the EIA Report confirms that the land within the Development Area is considered Grade 6.1 or below which is only capable of supporting rough grazing. The Proposed Development would therefore only affect land of low agricultural value.
"c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; iii. Small-scale development directly linked to a rural business, farm or croft; iv. Supporting a fragile community in a rural or island area; or v. Restoration of peatland habitats."	**Chapter 14: Geology, Soils and Water** of the EIA Report confirms that several discrete areas of Class 1 peatland are located within the site boundary. As per the policy (ii. and v), the Proposed Development is for Pumped Hydro Storage, which is development that would directly contribute to greenhouse emissions reduction targets, and the proposals include peatland management and restoration measures. Further detail is included within **Chapter 10: Terrestrial Ecology** of the EIA Report.

Relevant Policy Text	Analysis
"d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify: i. the baseline depth, habitat condition, quality and stability of carbon rich soils; ii. the likely effects of the development on peatland, including on soil disturbance; and iii. the likely net effects of the development on climate emissions and loss of carbon. This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration."	**Chapter 14: Geology, Soils and Water** of the EIA Report includes an extract of the peatland classification for the site and details the results of the comprehensive peat probing exercise undertaken as part of the baseline assessment. This was used to inform the proposed PMP.
"e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where: i. the extracted peat is supporting the Scottish whisky industry; ii. there is no reasonable substitute; iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features; iv. the time period for extraction is the minimum necessary; and v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration."	The Proposed Development is not for new commercial peat extraction.

Policy 6: Forestry, Woodland and Trees

3.2.37 Policy 6 of NPF4 supports Policy 4 in protecting natural places by protecting and expanding forests, woodland, and trees. The Scottish Forestry Strategy (2019- 2029) is also relevant here, as is the Scottish Government's Policy on the Control of Woodland Removal[5] and the Scottish Government Climate Change Plan target for 21% woodland cover increase by 2032.

[5] Forestry Commission Scotland (2009). Available at: https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal/viewdocument/285

3.2.38 The nature of the Proposed Site and Development means that it would not be possible to completely avoid woodland and ancient woodland removal. **Chapter 10: Terrestrial Ecology** and **Chapter 19: Forestry** of the EIA Report assess the impact of likely significant effects and conclude that subject to the application of mitigation and compensation measures there would be no significant adverse effects from the Proposed Development. The proposed mitigation and compensation would include the oHMP (non SAC), the Loch Kemp Storage: Forest to Bog Restoration Proposals which is the compensatory woodland planting, and more generally the provision of ECoW and CEMP.

3.2.39 The loss of the woodland is anticipated to include:

- 50.00 ha of commercial woodland (both broadleaved and coniferous) within the Whitebridge Plantation and on Torr Cluanie at the northern end of Dam 3.
- 4.67 ha of Broadleaved Woodland within the inundation area or working corridor of the Proposed Development but out with the plantation and the Ness Woods SAC.
- 5.52 ha of Broadleaved Woodland within the Ness Woods SAC.

3.2.40 The HMP and forest to bog proposals would result in the establishment of approximately 63.11 ha of new woodland plus associated open ground within the ownership boundary of Dell Estate, close to the Study Area which will ultimately result in the beneficial impact of an increase of woodland from 237.00 ha to 257.62 ha including an increased proportion of native woodland and associated open ground habitats including the forest to bog restoration areas identified in **Volume 4, Appendix 19.3: Loch Kemp Storage Forest to Bog Proposals** of the EIA Report. This net increase in woodland cover would contribute to Scotland's target of 21% woodland cover increase by 2032 identified in the Climate Change Plan referenced in paragraphs 3.3.46 to 3.3.48.

3.2.41 Overall, the Proposed Development is able to compensate and mitigate the unavoidable woodland loss but also provide further biodiversity and habitat enhancement achieving additional public benefits and supporting Scotland in mitigating and adapting to climate change. Pursuant to all of the above, it is concluded that the Proposed Development is in accordance with Policy 6 and subject to an appropriate condition related to compensatory planting, the Proposed Development would also comply with the Control of Woodland Removal Policy.

Table 7 Analysis of NPF4 Policy 6 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals that enhance, expand and improve woodland and tree cover will be supported."	**Chapter 19: Forestry** of the EIA Report is relevant to this section of the policy, confirming that the proposed compensatory planting of new native woodland results in a net increase in woodland cover locally, thus contributing to Scotland's target of 21% woodland cover increase by 2032.
"b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are	Based on the site location and proposals it is not possible for the Proposed Development to completely avoid ancient woodland loss / fragmentation. However, embedded mitigation has been incorporated into the scheme to reduce ancient semi-natural woodland loss within Ness Woods SAC as far as possible In addition these effects would be compensated for by a significant positive effect through the compensatory woodland creation and restoration, peatland restoration, heathland restoration and management, rocky shore / moorland lichen translocation (if feasible), and other habitat creation and management measures proposed, to be delivered via a Compensation Package specifically for Ness Woods SAC, alongside a HMP for the

identified and implemented in line with the mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."	remainder of the Proposed Development. Further details are provided in **Chapter 10: Terrestrial Ecology** of the EIA Report. Potential impacts on commercial woodland which is listed on the Ancient Woodland Inventory is assessed in **Chapter 10: Terrestrial Ecology** for the EIA Report. However, both **Chapter 10: Terrestrial Ecology and Chapter 19: Forestry** of the EIA Report highlight that compensatory planting is proposed and the Proposed Development itself will sequester carbon.
"c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered."	**Chapter 19: Forestry** of the EIA Report confirms that the proposed compensatory planting of new native woodland results in a net increase in woodland cover locally, thus contributing to Scotland's target of 21% woodland cover increase by 2032.
"d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design."	As **Chapters 10 and 19** of the EIA Report on **Terrestrial Ecology** and **Forestry** confirm, the proposed compensatory planting would be a positive contribution to increasing native woodland cover in accordance with the Forestry and Woodland Strategy.

Policy 7: Historic Assets and Places

3.2.42 NPF4 states that the intent for Policy 7 is "*To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places*."

3.2.43 The EIA Report Chapters relevant to this policy include **Chapter 8: Landscape and Visual Impact Assessment** and **Chapter 15: Cultural Heritage**. These assess the potential impact of the Proposed Development on the historic assets and places.

3.2.44 **The Landscape and Visual Chapter** concludes that there would be a limited number of localised and temporary significant landscape and visual effects during construction of the Proposed Development. However, during operation and in the long term all effects would be reduced, and the landscape and visual effects of the Proposed Development would therefore be not significant.

3.2.45 **The Cultural Heritage chapter** identified the following baseline context:

- There are no statutory designated sites within the Site of the Proposed Development
- There are three non-designated assets within a 100 m buffer of the Proposed Development, one of local and two of regional value
- Loch a' Choin Uire, buildings, MHG23342 at NH 4599 1610 is a group of buildings considered to be of Regional Importance
- Easter Drummond township, MHG2643, centred on NH 4749 1460, a site considered to be of Regional Importance
- Allt Leachd Gowrie, Enclosure at NH 46847 15847, a site considered to be of Local Importance

- There is one scheduled monument, Dell Farm, *burial mounds 350 m NE of (SM4536) centred on NH 493 171* within 3 km of the Proposed Development
- There are six Listed Buildings located within 3 km of the Proposed Development including:
    - Dell Lodge and rear service cottages (LB1860) at NH 48584 16274
    - Dell Lodge and rear service cottages (LB1860) at NH 48584 16274
    - Whitebridge, New Bridge (LB1875) and Whitebridge, Old Bridge Over River Foyers (LB1874)
    - Boleskine Parish Church (LB1846)
    - Boleskine Old Manse (LB1848)
    - Knockie Lodge Hotel (LB1876)
- Given the potential for views of elements of the Proposed Development another three Listed Buildings are also noted:
    - Allt Saigh Cottage (LB15016) at NH 45676 19096 (approximately 2 km from Proposed Development)
    - Invermoriston, Home Farm and Former Barn to Rear. (LB15021) at NH 43111 16515 (just over 2 km from the Proposed Development)
    - Invermoriston Barracks and servants' tunnel (LB 15017) at N 42621 16437, approximately 3 km from the Proposed Development
- Consideration was also given to another two Listed Buildings located within 3 km of the Proposed Site, St Columba's Church Graveyard and Gtepiers (LB15023) and Invermoriston, gazebo (LB15020). These assets were screened out of further assessment as they have no visibility towards Loch Ness and potential built elements of the Proposed Development
- Within the 10 km study area there are five Scheduled Monuments and thirty-five Listed Buildings. For the majority of these assets there is no visibility of the Proposed Development. Minor, distant visibility affects only a very few of these assets, at a distance of approximately 10 km and to such a small degree that there is no significant impact on these assets or their settings and these are not examined further in this assessment, with the exception of four sites:
- Caledonian Canal, Kyltra Lock to Fort Augustus (SM3615);
- Fort Augustus, Old Bridge over River Oich (LB1865)
- Fort Augustus Abbey, Monastery and School (LB1861)
- 'Crusader', remains of speedboat in Loch Ness, near Achnahannet (SM11070)

3.2.46 This chapter also highlighted relevant embedded mitigation (detailed in **Chapter 8: Landscape and Visual Impact Assessment**) including:

- Habitat and landform reinstatement to restore areas disturbed during construction and to ensure that the Proposed Development is successfully accommodated in the existing landscape.
- Mitigation earthworks would re-use materials excavated during construction and new landform would be modelled around new structures to ensure these tie into their surroundings where possible.
- Where appropriate, the above would also be supplemented with native planting and seeding and the use of rocks and boulders to reflect pre-construction landscape character.

- Dam 3 would receive additional mitigation earthworks, in the form of soiled and planted native woodland, on the dry side of the dam to soften the steep slopes of the structural dam and to help assimilate it into the landscape.
- Where access is required in close proximity to the Loch a' Choin Uire, buildings and the Allt Leachd Gowrie, Enclosure, existing tracks would be upgraded rather than new tracks being constructed, in order to reduce potential direct impacts on these cultural heritage assets during construction.

3.2.47 A summary of the potential effects identified are listed below:

- Potential direct effects of the Proposed Development are predicted for two non-statutory Cultural Heritage assets during construction. Lochan a'Choin Uire, group of buildings identified as a shepherds' cottage and outbuildings. There is potential for accidental damage during the construction phase that could lead to lower vegetation levels and structures which were not located during field survey could be revealed. Additionally, there is potential for further below ground archaeological features such as pits, foundations, trenches, and drains, given the interpretation of the building group as a shepherd's cottage and outbuildings, is considered to be low but not negligible, which would be vulnerable to direct impacts during construction.
- During operation, potential direct effects of the Development could affect Allt Leachd Gowrie, enclosure. This structure lies within the area of maximum inundation. While inundation alone would not remove the structure, repeated fluctuations in water levels may have the effect of undermining the walling and causing collapse. The structure would not be exposed and visible during the timeframe of the operational phase of the Proposed Development. Professional judgement has been used to determine the level of significance of this asset and it is considered it would be minor and therefore not significant.
- Any potential indirect impacts of the Proposed Development on Designated Assets would be short-term (i.e. limited to the construction period, anticipated to be up to 5 years) and temporary and are therefore not considered further in this EIA Report.
- During operation potential indirect impacts of the Proposed Development are predicted but deemed not significant on the following assets:
- Dell Farm, burial mounds
- Dell Lodge and rear service cottages
- Whitebridge, New Bridge and Whitebridge, Old Bridge Over River Foyers
- Boleskine Parish Church
- Boleskine Old Manse
- Allt Saigh Cottage
- Invermoriston, Home Farm and Former Barn to Rear

3.2.48 Mitigation is recommended for one non-statutory Cultural Heritage asset during construction. For Loch a'Choin Uire group of buildings the possibility of direct impact through track improvement and construction of new section of access road is proposed to be mitigated through identification of individual features to ensure the proposed new access road can avoid them and the creation of archaeological exclusion zones during groundbreaking work. Depending on the proximity of the new access road to the structure and on the location of any road widening within the broad area of the features, an archaeological watching brief may be advisable in order to identify and record any associated minor features.

3.2.49 Furthermore, where or when appropriate general mitigation proposed includes Micrositing and Preservation in Situ, Watching Briefs, Post-Excavation Assessment and Reporting, and Construction Guidelines. During operation, no specific mitigation measures are proposed however, the mitigation earthworks and planting proposed for Dam 3 (refer to **Chapter 8: Landscape and Visual Impact** Assessment, Section 8.8 Mitigation), as well as reinstatement of vegetation around the dam and tracks would become established within the first 10 years of operation and would soften the artificial skyline of the dam. The tracks would, in the longer term, be assimilated into the wider landscape, leading to reduced settings effects on the Dell Lodge and rear service cottages and the Dell Farm Burial Mound.

3.2.50 In summary, any potential effects of the Proposed Development on Cultural Heritage assets would not be significant following the implementation of the proposed mitigation measures. Therefore, the Proposed Development is able to draw support from Policy 7. The policy text analysis is provided in Table 8 below.

Table 8 Analysis of NPF4 Policy 7 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records."	**Chapter 15: Cultural Heritage** of the EIA Report provides an assessment of the predicted impact of the Proposed Development on cultural heritage assets and archaeological features. The assessment was informed by comments and information supplied by Historic Environment Scotland (HES) and The Highland Council (THC) as part of the Scoping Opinion. No long term significant adverse impacts will arise.
"b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the: i. building is no longer of special interest; ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report; iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community."	The Proposed Development does not consist of the demolition of listed buildings.
"c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its	The Proposed Development does not consist of the reuse, alteration, or extension of a listed building.

Relevant Policy Text	Analysis
character, and its special architectural or historic interest."	
"d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: i. architectural and historic character of the area; ii. existing density, built form and layout; and iii. context and siting, quality of design and suitable materials."	The Proposed Development is not within and would not affect a conservation area.
"e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained."	The Proposed Development is not within a conservation area.
"f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that: i. reasonable efforts have been made to retain, repair and reuse the building; ii. the building is of little townscape value; iii. the structural condition of the building prevents its retention at a reasonable cost; or iv. the form or location of the building makes its reuse extremely difficult."	The Proposed Development does not consist of the demolition of buildings in a conservation area.
"g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development."	The Proposed Development does not consist of demolition in a conservation area.
"h) Development proposals affecting scheduled monuments will only be supported where: i. direct impacts on the scheduled monument are avoided; ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised."	The Proposed Development would not affect any scheduled monument.
"i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly	The Proposed Development would not affect nationally important Gardens and Designed Landscapes.

Relevant Policy Text	Analysis
impact on important views to, from and within the site, or its setting."	
"j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities."	The Proposed Development would not affect nationally important Historic Battlefields.
"k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas."	The Proposed Development is not located at the coast edge, nor does it extend offshore.
"l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved."	The Proposed Development would not affect a World Heritage Site.
"m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported."	The Proposed Development does not include historic buildings identified as being at risk locally or on the National Buildings at Risk Register.
"n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is: i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements."	The Proposed Development would not be considered to be Enabling Development Proposals.
"o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required	Three non-designated assets were identified within a 100m buffer of the Proposed Development. The potential for unidentified archaeological remains is considered low to insignificant. Overall, taking account of proposed mitigation, there are no significant effects predicted on any site directly impacted by the Proposed Development. Further detail is provided in **Chapter 15: Cultural Heritage** of the EIA Report.

Relevant Policy Text	Analysis
through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures."	

Policy 11: Energy

3.2.51 Policy 11 is considered to be the key determining planning policy to the Proposed Development with NPF4 stating that its intent is "*To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).*" In line with the NPF4 vision, this policy will lead to the '*expansion of renewable, low-carbon and zero emissions technologies*".

3.2.52 Section a) iii. Specifically refers to the support for "*energy storage such as battery storage and pumped storage hydro"*, as such, the Proposed Development being a pumped storage hydro scheme is strongly supported in principle.

3.2.53 Other parts of Policy 11 seek to ensure that development proposals maximise net economic impact, consider the impact on international and national designated sites, and the project design and mitigation should demonstrate that the listed environmental impacts have been addressed. This has been covered throughout the various chapters of the EIA Report. Overall, the assessments in the EIA Report conclude that no significant residual effects from the Proposed Development, are predicted following the implementation of the proposed mitigation measures. In addition to the embedded mitigation in the design of the scheme, mitigation is proposed to address several of the technical impacts including heritage, ecology, trees, etc. Please refer to the other relevant policies and relevant EIA Report chapter for further detail.

3.2.54 It is concluded that the Proposed Development is in compliance with Policy 11. The Policy text is analysed in the table below but also linked to the other tables and analysis of the other environmental policies within this document.

Table 9 Analysis of NPF4 Policy 11 against the Proposed Development

Relevant Policy Text	Analysis
"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include: i. wind farms including repowering, extending, expanding and extending the life of existing wind farms; ii. enabling works, such as grid transmission and distribution infrastructure; iii. energy storage, such as battery storage and pumped storage hydro; iv. small scale renewable energy generation technology;	The Proposed Development is for Pumped Storage Hydro that would have an installed capacity of up to 600 MW and a generation energy storage of up to almost 9 Gigawatt Hours (GWh). Further detail is provided in **Chapter 3: Description of Development** of the EIA Report. Its development is therefore supported in principle.

Relevant Policy Text	Analysis
v. solar arrays; vi. proposals associated with negative emissions technologies and carbon capture; and vii. proposals including co-location of these technologies."	
"b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported."	Not relevant.
"c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."	The Proposed Development seeks to maximise the net economic impact. As stated in **Chapter 20: Socio-economic and Tourism** of the EIA Report, it will create new temporary jobs through the construction programme with an average of around 356 people on-site during the construction phase, and a total of 1,716 construction related years of employment. The Proposed Development would create 25 new full-time jobs once fully operational. Construction and operational effects would bring notable Gross Value Added (GVA) impacts, as well as wider additional impacts, including supporting policy ambitions, perception benefits, salary benefits, exchequer benefits, local supply chain opportunities and pre-development impacts.
"d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4."	The Proposed Development is assessed against Policy 4 in Table 5 above.
"e) In addition, project design and mitigation will demonstrate how the following impacts are addressed: i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable; iii. public access, including impact on long distance walking and cycling routes and scenic routes; iv. impacts on aviation and defence interests including seismological recording; v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised; vi. impacts on road traffic and on adjacent trunk roads, including during construction; vii. impacts on historic environment; viii. effects on hydrology, the water environment and flood risk; ix. biodiversity including impacts on birds; x. impacts on trees, woods and forests;	The EIA Report is made up of 20 chapters, the majority of which assess the project's design and mitigation impact in line with the list (where relevant to the proposals) in this section of the Policy. For further detail refer to: E(i) - Impacts on communities, dwellings, residential amenity Chapter 8 Landscape and Visual Impact, Chapter 9 Land Use and Recreation, Chapter 17 Noise and Vibration, Chapter 18 Air Quality E(ii) – Landscape and visual effects Chapter 8 Landscape and Visual Impact E(iii) – Public access Chapter 9 Land Use and Recreation E(iv) – Aviation, defence seismology Not relevant E(v) – Telecoms Not relevant E(vi) – Roads and traffic Chapter 16: Traffic, Access and Transport E(vii) – historic environment Chapter 15 Cultural Heritage E(viii) – Hydrology, water environment, flood risk Chapter 7 Water Management E(ix) – biodiversity and birds

Relevant Policy Text	Analysis
xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and xiii. cumulative impacts. In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible."	Chapter 10 Terrestrial Ecology, Chapter 11 Ornithology, Chapter 12 Aquatic Ecology, Chapter 13 Fish, Chapter 19 Forestry E(x) – Trees, woods and forests Chapter 19 Forestry E(xi) – Decommissioning Chapter 3 Description of Development E(xii) – Restoration Chapter 3 Description of Development E(xiii) – Cumulative impacts All of the topic chapters consider cumulative effects and should be read alongside their corresponding appendices
"f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity."	Given the nature and scale of the Proposed Development and its measurable contribution to renewable energy generation targets and on greenhouse gas emissions reduction targets it is expected that the development should be considered as an in-perpetuity development.

Policy 12: Zero Waste

3.2.55 Policy 12 of NPF4 seeks to ensure that development that is consistent with the waste hierarchy is encouraged, promoted, and facilitated, therefore leading to prioritisation of reduction and reuse of materials in construction, and to infrastructure for zero waste and to deliver Scotland's circular economy development in appropriate locations. Additionally, measures to reduce and mange waste resources will be detailed in a Site Waste Management Plan to be submitted and agreed with THC prior to commencement of the development.

Table 10 Analysis of NPF4 Policy 12 against the Proposed Development

Relevant Policy Text	Analysis
"a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy."	A Site Waste Management Plan will be produced for agreement with Highland Council. This can be covered by a planning condition. In addition, and in line with the waste hierarchy, as noted in the proposals, most of the rock from the excavated tunnels and shafts would be removed via the shafts and tunnel portals near the powerhouse building on the shore at Loch Ness. The excavated rock from the underground works would be reused in the dams, powerhouse platform area, powerhouse building, and localised area of construction works wherever feasible
"b) Development proposals will be supported where they: i. reuse existing buildings and infrastructure; ii. minimise demolition and salvage materials for reuse;	**Chapter 8: Landscape and Visual Impact** of the EIA Report details that as part of the embedded mitigation measures, Mitigation earthworks would re-use materials excavated during the construction period, and new landform would be modelled around new structures to ensure that these tie smoothly into their surroundings where possible. **Chapter 14: Geology, Soils and Water** of EIA Report also outlines as part of the good practice construction measures that

Relevant Policy Text	Analysis
iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life; iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; v. use materials that are suitable for reuse with minimal reprocessing."	"washout water would also be stored in the washout area before being treated and disposed of or re-used in concrete production" and "water would be re-used where possible".
"c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including: i. provision to maximise waste reduction and waste separation at source, and ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities."	Not relevant
"d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where: i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets; ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable; iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised; iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise; v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored; vi. consideration has been given to co-location with end users of outputs. e) Development proposals for new or extended landfill sites will only be supported if: i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and ii. waste heat and/or electricity generation is included. Where this is considered impractical,	Not relevant

Relevant Policy Text	Analysis
evidence and justification will require to be provided."	
"f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported."	Not relevant
"g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal: i. is consistent with climate change mitigation targets and in line with circular economy principles; ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified; iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage) iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals."	Not relevant.

Policy 13: Sustainable Transport

3.2.56 Policy 13 of NPF4 has the intent to "*To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably*."

3.2.57 The nature of the Proposed Development means that traffic generation and walking, wheeling, cycling would be minimal. **Chapter 16: Traffic, Access and Transport** of the EIA Report confirms that construction effects would be temporary and not significant and given the low operational traffic, the operational effects were scoped out of the assessment.

3.2.58 It is concluded that the Proposed Development is compliant with this policy and the policy text analysis is provided in the table below.

Table 11 Analysis of NPF4 Policy 13 against the Proposed Development

Relevant Policy Text	Analysis
"a) Proposals to improve, enhance or provide active travel infrastructure, public transport	Not relevant

Relevant Policy Text	Analysis
infrastructure or multi-modal hubs will be supported. This includes proposals: i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy. ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery. iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems)."	
"b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; ii. Will be accessible by public transport, ideally supporting the use of existing services; iii. Integrate transport modes; iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and viii. Adequately mitigate any impact on local public access routes."	**Chapter 16: Traffic, Access and Transport** of the EIA Report demonstrates that both construction and operational effects have been considered. The Construction effects would not be significant on the majority of receptors, and it should be noted these would be temporary and the effects transitory in nature. The operational effects have been scoped out of the assessment as it is expected that there would be up to three vehicle movements per week for maintenance purposes and circa 18 -25 (two way) daily staff. Overall, no significant capacity issues are expected on any of the roads within the study area and with the implementation of appropriate mitigation, no significant residual effects are anticipated.
"c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance."	The Proposed Development would not generate significant increase in the number of person trips. Further detail is provided in **Chapter 16: Traffic, Access and Transport** of the EIA Report.
"d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area."	The Proposed Development does not consist of significant travel generating uses. Further detail is provided in **Chapter 16: Traffic, Access and Transport** of the EIA Report.
"e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they	Although not proposed in an urban location, the nature of the Proposed Development means that low vehicle movements and

Relevant Policy Text	Analysis
do not create barriers to access by disabled people."	low car parking is required. Further detail is provided in **Chapter 16: Traffic, Access and Transport** of the EIA Report.
"f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation."	The Proposed Development does not consist of significant travel generating uses or smaller-scale development. Further detail is provided in **Chapter 16: Traffic, Access and Transport** of the EIA Report.
"g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance."	The Proposed Development would not have the potential to affect the operation and safety of the Strategic Transport Network. Access during the construction and operation of the Proposed Development would utilise the existing B862 public road and Dell Estate forestry tracks which are to be upgraded and extended, as well as the creation of a new access track to the powerhouse site on the eastern shore of Loch Ness. Results indicate that the Proposed Development would not affect road capacity and ample spare capacity exists within the trunk and local road network to accommodate construction phase traffic. Further detail is provided in **Chapter 16: Traffic, Access and Transport** of the EIA Report.

Policy 14: Design, Quality and Place

3.2.59 Policy 14 of NPF4 supports the delivery of Liveable Places with the aim "*To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.*"

3.2.60 The Proposed Development has firstly undergone an iterative process in the design stage accounting for engineering feasibility design works, economic considerations, environmental survey data and responses from the consultation process. This sought to include embedded mitigation as far as possible and further mitigation, compensation, and best practice measures have complemented this allowing for enhanced biodiversity and improving the quality of the area.

3.2.61 The Proposed Development is therefore supported by Policy 14 and the policy text analysis is provided in the table below.

Table 12 Analysis of NPF4 Policy 14 against the Proposed Development

Relevant Policy Text	Analysis
"a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale."	The Proposed Development site and design have gone through an iterative design process influenced by engineering feasibility design works, economic considerations, environmental survey

Relevant Policy Text	Analysis
	data and responses from the consultation process. Further information on this is available in **Chapter 2: Design Evolution and Alternatives** of the EIA Report. In addition to this, in line with the mitigation hierarchy the Proposed Development has further incorporated compensation and mitigation measures that will enhance the quality of the area. Further detail is provided within **Chapter 8: Landscape and Visual Impact, Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, and Chapter 19: Forestry** of the EIA Report.
"b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy: Supporting the prioritisation of women's safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D."	The Nature of the Proposed Development does not specifically address all of the six qualities detailed in this policy. Given the complexity of the design and the functionality of the power generation proposals, there are many elements of the Proposed Development that are necessarily technically and economically driven in order to achieve a viable project. These include the size and location of the dams, the location of the surge shafts and the tunnelling. However, within these technical and economic parameters, there remain design and environmental opportunities and constraints to be factored in, during the iterative design and EIA process. A number of design iterations were considered by the Design Team within the Scoping Process, whereby a number of factors were considered including topography, ecological designations (predominantly the Ness Woods SAC), views and vistas with regards to the designated Loch Ness and Duntelchaig Special Landscape Area (SLA) etc. Below is a summary of the design measures adopted to reduce environmental impacts: • The powerhouse location has been sited on a flat area close to Loch Ness shore, which is dominated by bracken, and whilst this area is still classified as part of the woodland qualifying interest habitat, construction in this area would reduce tree loss compared to more densely wooded areas. • The Applicant has proposed a powerhouse building with a design concept which reflects the landscape character landscape character (horizons, slopes, scale, colour, tones and materials) and which would include visitor facilities, such as an information centre and a viewing platform. Further details are set out in the Design and Sustainability Statement (see in particular section 4 – 'Powerhouse Design Concept'). • Multiple access track route options have been considered to try to reduce land-take within the woodland qualifying interest habitat, as well as to reduce the level of impact on bryophyte and lichen communities of conservation value and minimise tree loss as far as possible. • Tracks within the Ness Woods SAC would be constructed to have a running width of approximately 6 m on straight sections and 7 m on bends with passing places during construction rather than 8 m, which would be the standard for most tracks outwith the SAC. • The infrastructure footprint and working corridor (i.e. land used for construction), has been reduced as far as is practically feasible.

Relevant Policy Text	Analysis
	• It is proposed to deliver some of the larger E&M equipment to the lower reservoir works site by boat (via the Caledonian Canal). • The access track through the SAC would follow the route of the existing 4x4 track as far as practical, to reduce additional land take. • The qualifying habitats of the SAC have been mapped and the access track has been routed through areas of non-qualifying habitat as far as practical. • The access track has been microsited to ensure it is at least 10 m away from the top of the banks of the Allt a'Chinn Mhonaich watercourse for the entirety of the route following advice from SEPA as a pollution prevention measure. No storage of material would be permitted in this buffer area. • A cable tunnel is proposed to route the proposed grid connection, a 275 kV cable, from the powerhouse below ground and beneath the Ness Woods SAC. The cable would enter the access tunnel through the tunnel adit and exit the tunnel through a cable shaft located outside the SAC (and then continue onwards as a buried cable to connect to a 275 kV AIS switching station, as described in Section 2.2). This would ensure that there would be no additional land take in the Ness Woods SAC, as a result of the grid connection for the Proposed Development. • No site compounds are proposed within the Ness Woods SAC outside of the footprint of the powerhouse platform, to avoid additional land take in the SAC. • Dam 1, which is located within the Ness Woods SAC, would be a RCC dam rather than a rockfill dam, which reduces the land-take of the dam within Ness Woods SAC by approximately 50%. • As the cable route is proposed to follow the route of the proposed access track, where the tracks pass over Dam 1 it is also proposed to route the cable over Dam 1, again ensuring that there would be no additional land take in the Ness Woods SAC, as a result of the grid connection. • An option previously being considered of a conveyer belt through Ness Woods SAC to transport some construction materials has been removed from the scheme. • Access to and from the visitor centre by the public would be via the quayside on Loch Ness only. Further details on the design evolution of the powerhouse building are provided in **Volume 4, Appendix 3.1: Design and Sustainability Statement.** Further detail can also be found in **Chapter 2: Design Evolution and Alternatives** of the EIA Report.
"c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported."	As highlighted above, the Proposed Development has gone through an iterative design process and further detail can be found in **Volume 4, Appendix 3.1: Design and Sustainability Statement** and in **Chapter 2: Design Evolution and Alternatives** of the EIA Report.

Policy 22: Flood Risk and Water Management

3.2.62 Policy 22 of NPF4 aims "*To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding*."

3.2.63 Parts of the policy seek to ensure that development in flood risk areas are appropriate (consist of redevelopment, are required for operational uses, or are water compatible uses) and are able to demonstrate that impacts on flooding, surface water flooding, provision for drinking water, and opportunities for natural flood risk management have been considered.

3.2.64 The nature of Proposed Development is a water compatible use and means that for operational reasons it is required to be located and making use of the Lochs. As previously mentioned, the proposed design has undergone an iterative process and further detail can be found in **Chapter 2: Design Evolution and Alternatives** of the EIA Report. **Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of the EIA Report address matters pertaining to Policy 22. They conclude that considering the embedded mitigation and with the implementation of mitigation measures such as compensation release which mimics the natural flow, and best practice measures by an Environmental Clerk of Works during construction, the Proposed Development is not expected to result in significant adverse effects.

3.2.65 Therefore, support can be drawn from Policy 22 and an analysis of the policy text is provided in the table below.

Table 13 Analysis of NPF4 Policy 22 against the Proposed Development

Relevant Policy Text	**Analysis**
"a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.	**Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of the EIA Report address matters relating to flood risk and the water environment. The Proposed Pumped Storage Hydro is Development considered as a water compatible use where the location is required for operational reasons, utilising the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. The Proposed Development would release compensation flow from the foot of Dam 1 on the Allt an t Sluichd which is the natural outlet of Loch Kemp. The flow would be regulated to mimic the natural flows in the burn at a volume to be agreed as part of the CAR license. During construction of the Proposed Development, the construction of Dam 1 would maintain the natural outflow Loch Kemp into the Allt an t Sluichd. The hydrological model created shows that cumulative operation of other Pumped Storage Hydro schemes and the Proposed Development would have a minor impact on Loch Ness levels. Furthermore, subject to the successful implementation of mitigation measures, no significant adverse effects are identified on the water environment.

Relevant Policy Text	Analysis
Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require: the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and that the proposal does not create an island of development and that safe access/egress can be achieved."	
"b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk."	Not relevant.
"c) Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface."	SEPA identified several areas of surface water flood risk across the Proposed Site Boundary which is generally consistent with the main waterbodies. However, it should be noted that that flood extents are localised, never forming large, linked areas or flow paths. This is not considered to pose a development constraint. The Proposed Development and proposed safeguards embedded in the design have reduced the potential impact on surface water to negligible. In addition, the implementation of good practice by the Environmental Clerk of Works (EnvCoW) and the Principal Contractor at the time of the construction would ensure existing surface water flow paths and water flushes are maintained. Further detail is provided in **Chapter 14: Geology, Soils and Water** of the EIA Report.
"d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the posed will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity."	In terms of water supply the Proposed Development has provisioned the following: • During the construction phase, water for the site welfare facilities will either be brought to site by tanker or be provided by a connection to Scottish Water mains, with their prior approval. • During operation, it is expected that potable water will be brought to site or taken from a private water source yet to be determined (such as an abstraction from Loch Kemp), but which would be agreed with SEPA and THC prior to implementation. • An alternative water supply source to and pipeline has been provided for the estate. Further detail is provided in **Chapter 14: Geology, Soils and Water** of the EIA Report.
e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported."	The Proposed Development includes embedded mitigation which a compensation flow discharge to the Allt an t-Sluichd which mimics the natural outflow from the existing (baseline) catchment would be made. During construction of the DAM, unless directed otherwise by the EnvCoW, watering discharge would drain across buffer areas of vegetation (e.g. grassland, heather) of at least 20 m width, which would provide for natural attenuation and dispersal of the flow and removal of silt.

Relevant Policy Text	Analysis
	Further detail is provided in **Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of the EIA Report.

NPF4 Conclusions

- The relevant policies of the NPF4 have each been assessed against the Proposed Development in the tables above and the conclusions are summarised below.
- Policy 1 Tackling the Climate and Nature Crises: The Proposed Development is compliant and supported by this policy as pumped storage hydro schemes are considered to play a critical role in supporting the net zero transition and the natural environment and context of the Proposed Development Site has been a key consideration in the design, and the EIA Reports and provide evidence that the final design has sought to avoid and mitigate any unacceptable environmental impact. EIAReport chapters referenced against this policy include **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology,** and **Chapter 19: Forestry**.
- Policy 2 Climate Change Adaptation: The Proposed Development is compliant with this policy as the final design is a result of an iterative design process which has sought to reach its most efficient and minimising greenhouse gas emissions whilst balancing all elements of the project design which make it viable. The relevant EIA Report chapter is **Chapter 2: Design Evolution and Alternatives,** and relevant supporting documents include **Volume 4, Appendix 10.7 Outline Habitat Management Plan (non-SAC)** and **Volume 4, Appendix 19.2 Loch Kemp Pumped Storage Woodland Management Plan**.
- Policy 3 Biodiversity: The Proposed Development is supported by this policy as the final design not only incorporates embedded mitigation but also proposes the planting of broad-leaved native woodland, peatland restoration and other habitat creation and management measures delivered via a Habitat Management Plan, thus securing biodiversity enhancements. Relevant EIA REPORT chapters include **Chapter 2: Design Evolution and Alternatives, Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 13: Fish, Chapter 14: Geology, Soil and Water,** and **Chapter 19: Forestry** and relevant supporting documents include **Volume 4, Appendix 10.7 Outline Habitat Management Plan (non-SAC).**
- Policy 4 Natural Places: The Proposed Development is considered to have no significant adverse effects provided that mitigation measures are implemented in the form of Habitat Management Plan, Peatland Management Plan, Loch Kemp Storage: Forest to Bog Restoration Proposals, Ecological Clerk of Works (ECoW), CEMP, Pollution Prevention Plan (PPP), and Water Quality Monitoring Programme. Relevant documents include the **Shadow Habitats Regulation Assessment** and the following EIA Report chapters: **Chapter 7: Water Management, Chapter: 8 Landscape and Visual Impact, Chapter: 10 Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 14: Geology, Soil and Water, and Chapter 18: Air Quality. Volume 4, Appendix 3.3: Outline CEMP** is also a relevant supporting document.
- Policy 5 Soils: The Proposed Development is compliant with this policy as it follows the mitigation hierarchy in the design and construction, it provides appropriate compensation and enhancement through Peatland Management and Restoration (and through best practice measures during construction), and the Proposed Development itself would contribute to reducing carbon emissions. Relevant EIA Report chapters include **Chapter 2: Design Evolution and Alternatives, Chapter 8: Landscape and Visual Impact, Chapter 10: Terrestrial Ecology, and Chapter 14: Geology, Soil and Water**.
- Policy 6 Forestry, Woodland, and Trees: The Proposed Development is compliant with this policy as it is able to compensate and mitigate the unavoidable woodland loos but also provide further biodiversity and habitat enhancement achieving additional public benefits and supporting Scotland in mitigating and

adapting to climate change. Relevant EIA Report chapters include **Chapter 10: Terrestrial Ecology** and **Chapter 19: Forestry.**

- Policy 7 Heritage Assets and Places: The Proposed Development is compliant with this policy as Cultural Heritage assets and the potential effects were appropriately identified and assessed, and it was concluded that through the implementation of mitigation measured the potential effects could be reduced. Mitigation for one non-statutory heritage asset was proposed through identification and avoidance of individual features and archaeological exclusion zones during groundbreaking works during construction. Additional general mitigation was proposed in the form of Micrositing and Preservation in Situ, Watching Briefs, Post-Excavation Assessment and Reporting, and Construction Guidelines. Relevant EIA Report chapters include **Chapter 15: Cultural Heritage** and **Chapter 8: Landscape and Visual Impact Assessment.**
- Policy 11 Energy: The Proposed Development is compliant with this policy as it is a pumped storage hydro scheme which is supported in principle and the EIA Report provides all the appropriate assessments the majority of which conclude that significant adverse effects are not expected should mitigation and best practice measures be successfully implemented. Relevant EIA Report chapters referred to in this section include **Chapter 3: Description of Development, Chapter 7: Water Management, Chapter 8: Landscape and Visual Impact Assessment, Chapter 9: Land Use and Recreation, Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, Chapter 13: Fish, Chapter 14: Geology, Soils and Water, Chapter: 15 Cultural Heritage, Chapter 16: Traffic, Access and Transport, Chapter 17: Noise and Vibration, Chapter 18: Air Quality, Chapter 19: Forestry,** and **Chapter 20: Socio-economic and Tourism**.
- Policy 12 Zero Waste: The Proposed Development is compliant with this policy as measures to reduce and mange waste resources will be detailed in a Site Waste Management Plan to be submitted and agreed with THC prior to commencement of the development. Relevant EIA Reports Chapter include **Chapter 8: Landscape and Visual Impact Assessment** and **Chapter 14: Geology, Soil and Water.**
- Policy 13 Sustainable Transport: The Proposed Development is compliant with this policy as the nature of the development means that traffic generation and walking, wheeling, cycling would be minimal. Construction effects would be temporary and not significant and given the low operational traffic, the operational effects were scoped out of the assessment. In seeking to address the element of sustainability, electric charging points could be provided as part of the Proposed Development. The relevant EIA Report chapter is **Chapter 16: Traffic, Access and Transport**.
- Policy 14 Design, Quality and Place: The Proposed Development is compliant with this policy as it has firstly undergone an iterative process in the design stage accounting for engineering feasibility design works, economic considerations, environmental survey data and responses from the consultation process. This sought to include embedded mitigation as far as possible and further mitigation, compensation, and best practice measures have complemented this allowing for enhanced biodiversity and improving the quality of the area. Relevant EIA Report chapters include **Chapter 2: Design Evolution and Alternatives, Chapter 8: Landscape and Visual Impact, Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter 12: Aquatic Ecology, and Chapter 19: Forestry. Volume 4, Appendix 3.1 Design and Sustainability Statement** is also a relevant supporting document**.**
- Policy 22 Flood Risk and Water Management: The Proposed Development is compliant with this policy as the nature of the development is a water compatible use and means that for operational reasons it is required to be located and making use of the Lochs. The proposed design has undergone an iterative process and the relevant EIA Report chapters conclude that considering the embedded mitigation and with the implementation of mitigation measures such as compensation release which mimics the natural flow, and best practice measures by an Ecological Clerk of Works during construction, the Proposed Development is not expected to result in significant adverse effects. Relevant EIA Report

chapters include **Chapter 2: Design Evolution and Alternatives, Chapter 7: Water Management** and **Chapter 14: Geology, Soil and Water**.

3.2.66 Overall, it is considered that the Proposed Development is in accordance with the National Policy Framework 4 when read as a whole and when assessed against each of the policies. This conclusion takes account of the proposed mitigation and enhancement measures, and controls set out above and with the measurable contribution the pumped storage scheme will have on Scotland's renewable energy and carbon reduction / net zero emissions targets. The Applicant accordingly submits that substantial weight in favour of consent should be applied from NPF4.

The Local Development Plan

3.2.67 In addition to NPF4, the Development Plan for the Proposed Development also comprises the adopted Highland Wide Local Development Plan (HwLDP) (2012), the adopted Inner Moray Firth Local Development Plan (IMFLDP) (2015) and relevant supplementary guidance.

3.2.68 It is considered that the HwLDP is more relevant to the Proposed Development than the IMFLDP, although the latter provides the spatial strategy for the area and confirms Special Landscape Area (SLA) boundaries within which the Site is located.

3.2.69 SLAs are regionally valuable landscapes which are intended to protect and enhance unique and important landscape qualities and encourage enjoyment of these areas. The overall integrity of the SLA, including impacts on the wider setting are to be considered in assessing development proposals. HwLDP Policy 57: Natural, Built & Cultural Heritage provides for the protection of these areas, allowing development if it will not have an unacceptable impact on the natural environment, amenity, and heritage resource.

3.2.70 The primary Development Plan policy for assessment of the Proposed Development is considered to be Policy 67 of the HwLDP which specifically relates to renewable energy. This policy requires consideration to be given to the contribution of the development towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. Within this framework the policy states that the planning authority will support proposals where it is satisfied that they are located, sited, and designed in such a way as to ensure that they will not be significantly detrimental overall, either individually or cumulatively with other developments. It states that in this regard specific consideration is to be given to the following criteria:

- *"natural, built and cultural heritage features;*
- *species and habitat interests;*
- *visual impact and impact on the landscape character of the surrounding area;*
- *amenity at sensitive locations, including residential properties, work places and recognised visitor sites;*
- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations;*

- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests;*
- *land and water based traffic and transport interests."*

3.2.71 The wording of HwLDP Policy 67 provides that if the Highland Council (THC) is satisfied that there will be no significant detrimental impact overall, then the application will accord with the Development Plan. HwLDP Policy 67 therefore recognises that making a judgement on the acceptability of impacts is ultimately a balancing exercise which must consider both the benefits as well as the disbenefits of the proposal. It is considered that this balanced approach adopted within HwLDP Policy 67 represents a realistic reflection of the assessment process as it applies to major renewable energy developments given that such developments will inevitably result in some significant impacts in EIA terms.

3.2.72 HWLDP Policy 67 also states that THC will assess proposals against other policies of the development plan and against the Highland Renewable Energy Strategy (HRES). In August 2016 THC confirmed that HRES will no longer be used as a material consideration as it is no longer in compliance with more recent national planning policy.

3.2.73 As NPF4 represents the most up-to-date policy position, an assessment against each of the topics set out in HwLDP Policy 67 has been undertaken as part of an assessment of the Proposed Development against NPF4 and indication of where these assessments have been set out in this document are set out in Table 14. A review of the other relevant policies of the HwLDP and where they are assessed in this Planning Statement are set out in Table 15.

Table 14 Location of Assessment Topics related to HwLDP Policy 67

HwLDP Policy 67	
Criteria	Location of Analysis
Natural, Built and Cultural Heritage	Refer to above analysis for NP4 Policy 7: Historic Assets and Places (Table 8 Analysis of NPF4 Policy 7 against the Proposed Development) and EIA Report: **Chapter 15: Cultural Heritage.**
Species and Habitats	Refer to above analysis for NP4 Policy 3: Biodiversity (Table 4 Analysis of NPF4 Policy 3 against the Proposed Development) and Policy 4: Natural Places (Table 5 Analysis of NPF4 Policy 4 against the Proposed Development). The following EIA chapters assess species and habitats: - Chapter 10: Terrestrial Ecology - Chapter 11: Ornithology - Chapter 12: Aquatic Ecology - Chapter 13: Fish
Landscape and Visual Impact	Refer to above analysis for NP4 Policy 14: Design, Quality and Place (Table 12 Analysis of NPF4 Policy 14 against the Proposed Development). In addition, EIA Report: **Chapter 8:**

HwLDP Policy 67	
	Landscape and Visual Impact Assessment should be referred to.
Amenity at Sensitive Locations	EIA Report: **Chapter 9: Land Use and Recreation** considers sensitive locations. In addition, the following chapters consider the effects sensitive receptors: - Chapter 17: Noise and Vibration - Chapter 18: Air Quality
Safety and Amenity of Individuals and Individual Properties	EIA Report: **Chapter 9 Land Use and Recreation**
The Water Environment	Refer to above analysis for NP4 Policy 22: Flood Risk and Water Management (Table 13 Analysis of NPF4 Policy 22 against the Proposed Development). In addition, EIA Report: **Chapter 7: Water Management** should be referred to.
Public Access	Further information is contained in EIA **Chapter 20: Socio-economic and Tourism** assesses public access.
Other Tourism and Recreation Interests	EIA Report: **Chapter 20: Socio-economic and Tourism**.
Traffic and Transport	Refer to above analysis for NP4 Policy 13: Sustainable Transport (Table 11 Analysis of NPF4 Policy 13 against the Proposed Development). In addition, EIA Report: **Chapter 16: Traffic, Access and Transport** assesses traffic and transport.

Table 15 Relevant HwLDP Policies

Policy	**Policy Summary and Analysis**
Policy 28: Sustainable Design	Policy 28 sets out the requirement for all development to be designed in the context of sustainable development and climate change. The policy sets out criteria which development proposals are to be assessed against. The position with regard to these is as follows: The Proposed Development would make the most of the site's natural hydro resources and utilise existing infrastructure wherever possible and is therefore considered to be in accordance with criterion 3 which requires that developments maximise energy efficiency in terms of location, layout and design. Additionally, it is envisaged that dam construction would likely comprise a combination of both roller compacted concrete (RCC) and concrete faced rockfill dam (CFRD). The former typically has a smaller footprint due to the inherent in-situ structural strength offered by concrete. The latter has a larger footprint due to the larger requirement of material to meet the dam's structural requirements. However, this is advantageous in places where rock quality allows reuse of excavated spoil material, providing the opportunity to reuse tunnel excavation materials on site, which contributes to Criterion 6 which requires developments to demonstrate that they have sought to minimise

Policy	Policy Summary and Analysis
	the generation of waste during the construction and operational phases. Criterion 10 requires sensitive siting and high-quality design. As set out in the assessment of Policies 4, 7, 11 and 14 of NPF 4, the Proposed Development has been sensitively sited, and its design would not result in any significantly detrimental effects overall upon local character, the historic environment or the natural environment.
Policy 29: Design Quality and Placemaking	Policy 29 requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, which demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals. Given the complexity of pumped storage hydro design, there are many elements of the Proposed Development that are necessarily technically and economically driven in order to achieve a viable project. These include the size and location of the dams, the location of the surge shafts and the tunnelling. However, within these technical and economic parameters, there remain design and environmental opportunities and constraints to be factored in, during the iterative design and EIA process. A number of design iterations were considered by the Design Team within the Scoping Process, whereby a number of factors were considered including topography, ecological designations (predominantly the Ness Woods SAC), views and vistas with regards to the designated Loch Ness and Duntelchaig Special Landscape Area (SLA) Etc. Below is a summary of the design measures adopted to reduce environmental impacts: • The powerhouse location has been sited on a flat area close to Loch Ness shore, which is dominated by bracken, and whilst this area is still classified as part of the woodland qualifying interest habitat, construction in this area would reduce tree loss compared to more densely wooded areas. • The Applicant has proposed a powerhouse building with a design concept which reflects the landscape character landscape character (horizons, slopes, scale, colour, tones and materials) and which would include visitor facilities, such as an information centre and a viewing platform. Further details are set out in the Design and Sustainability Statement (see in particular section 4 – ‘Powerhouse Design Concept’). • Multiple access track route options have been considered to try to reduce land-take within the woodland qualifying interest habitat, as well as to reduce the level of impact on bryophyte and lichen communities of conservation value and minimise tree loss as far as possible. • Tracks within the Ness Woods SAC would be constructed to have a running width of approximately 6 m on straight sections and 7 m on bends with passing places during construction rather than 8 m, which would be the standard for most tracks outwith the SAC. • The infrastructure footprint and working corridor (i.e. land used for construction), has been reduced as far as is practically feasible.

Policy	Policy Summary and Analysis
	• It is proposed to deliver some of the larger E&M equipment to the lower reservoir works site by boat (via the Caledonian Canal); • The access track through the SAC would follow the route of the existing 4x4 track as far as practical, to reduce additional land take. • The qualifying habitats of the SAC have been mapped and the access track has been routed through areas of non-qualifying habitat as far as practical. • The access track has been microsited to ensure it is at least 10 m away from the top of the banks of the Allt a'Chinn Mhonaich watercourse for the entirety of the route following advice from SEPA as a pollution prevention measure. No storage of material would be permitted in this buffer area. • A cable tunnel is proposed to route the proposed grid connection, a 275 kV cable, from the powerhouse below ground and beneath the Ness Woods SAC. The cable would enter the access tunnel through the tunnel adit and exit the tunnel through a cable shaft located outside the SAC (and then continue onwards as a buried cable to connect to a 275 kV AIS switching station, as described in Section 2.2). This would ensure that there would be no additional land take in the Ness Woods SAC, as a result of the grid connection for the Proposed Development. • No site compounds are proposed within the Ness Woods SAC outside of the footprint of the powerhouse platform, to avoid additional land take in the SAC. • Dam 1, which is located within the Ness Woods SAC, would be a RCC dam rather than a rockfill dam, which reduces the land-take of the dam within Ness Woods SAC by approximately 50%. • As the cable route is proposed to follow the route of the proposed access track, where the tracks pass over Dam 1 it is also proposed to route the cable over Dam 1, again ensuring that there would be no additional land take in the Ness Woods SAC, as a result of the grid connection. • An option previously being considered of a conveyer belt through Ness Woods SAC to transport some construction materials has been removed from the scheme. • Access to and from the visitor centre by the public would be via the quayside on Loch Ness only. Further details on the design evolution of the powerhouse building are provided in Volume 4, **Appendix 3.1: Design and Sustainability Statement.**
Policy 30: Physical Constraints	This Policy requires developers to demonstrate compatibility where their proposals are located within areas of constraints as set out in Physical Constraints SPG. This scheme falls within 15m of a water body, is within an area where alterations of the slope/land gradient is required and is within 20m of a woodland. As demonstrated within the accompanying EIA Chapters **Chapter 7: Water Management, Chapter 8: LVIA** and **Chapter 19: Forestry**, this development has fully considered these factors.

Policy	Policy Summary and Analysis
Policy 51: Trees and Development	Trees and development have been assessed under Policy 6 of NPF4. It is considered that the ecological benefits of woodland removal to facilitate peatland restoration and provide associated biodiversity mitigation and enhancement measures for the site are an important consideration. It is considered that these benefits justify the loss of woodland and thereby the Proposed Development is therefore considered in compliance with Policy 51. Additionally, a Compensatory Planting Plan has been prepared to mitigate the woodland removal arising from the Proposed Development. The plan proposes the establishment of approximately 63.11 ha of new native woodland plus associated open ground within the ownership boundary of Dell Estate, close to the Study Area which will ultimately result in the beneficial impact of an increase of woodland from 237.00 ha to 258.26 ha including an increased proportion of native woodland and associated open ground habitats including the forest to bog restoration areas
Policy 52: Principle of Development in Woodland	Policy 52 maintains a strong presumption in favour of protecting woodland resources, and proposals will only be supported where they offer clear and significant public benefit. As Paragraphs 1.8.6 and 1.8.7 outline, there are socio-economic benefits as a result of this proposal, and these should be weighed in the planning balance. Please also refer to the justification set out for Policy 51 above.
Policy 55: Peat and Soils	Peatland habitats and peat have been addressed in detail. The Proposed Development is considered to be in accordance with this policy as it would avoid unnecessary disturbance, degradation and erosion of peat and soils, and a PMP has been produced and supports this application, which shows the Proposed Development and recorded peat depths, the results of peat coring and details measures for safeguarding peat and carbon rich soils. It is concluded that the disturbance of peat and soils as a result of construction of the Proposed Development, can be minimised and the peat deposits safeguarded. With the identified safeguards and proposed good practice methodologies, the potential impact on deposits of soil and peat is assessed as negligible and thus the significance of effect is Negligible. Therefore, no additional mitigation, over and above the proposed site supervision, is required. Additionally, no excavation, movement or storage of peat or soils is anticipated during the operational site life.
Policy 56: Travel	Policy 56 seeks to ensure that development is sustainable in terms of travel and requires that development proposals must consider likely on and off-site transport implications. The Proposed Development is considered to be in accordance with Policy 56 as mitigation measures would be put in place to ensure that it would not result in any significant adverse effects on the transport network, local road users or road safety during construction or operation. Mitigation is proposed in the form of: • Public road enhancements • A Canal Management Plan

Policy	Policy Summary and Analysis
	• Maintenance and monitoring of site entrance roads during operation No significant capacity issues are expected on any of the roads within the study area due to the additional construction traffic movements associated with the Proposed Development as background traffic movements are low, the links are of reasonable standard and appropriate mitigation is proposed. Please refer to **Chapter 16: Traffic, Access and Transport**.
Policy 57: Natural, Built & Cultural Heritage	In accordance with Policy 57, impacts of the Proposed Development upon the features of the natural, built and cultural heritage identified have been assessed in detail. As described in **Chapter 8: Landscape and Visual Impact Assessment**, habitat and landform reinstatement would be undertaken to restore areas disturbed during construction and would assist in ensuring that the Proposed Development would be successfully accommodated into the existing landscape. Mitigation earthworks would re-use materials excavated during the construction period, and new landform would be modelled around new structures to ensure that these tie in smoothly into their surroundings where possible. This would be supplemented where appropriate with native planting and seeding and the use of rocks and boulders to reflect the pre-construction landscape character, where appropriate (refer to Design and Sustainability Statement). Dam 3 would receive additional mitigation earthworks on the dry side of the dam face, in order to soften the steep slopes of the structural dam. The mitigation earthworks would be soiled and planted with native woodland to help soften the appearance of the dam structure and help assimilate it into the landscape. In regard to mitigation proposed during construction, the below is proposed: Watching briefs. Any identified heritage asset or feature that falls within or close to a revised working area or access route would be marked out and avoided. Should micro-siting of any elements of the Proposed Development be required, associated infrastructure, including forestry felling works, would be located away from heritage assets where possible. Heritage assets would be excluded from construction working areas, ground-breaking works at dam positions, and construction access tracks, as far as reasonably practicable. In regards to mitigation proposed during operation, no specific mitigation measures are proposed, however, the mitigation earthworks and planting proposed for Dam 3, as well as reinstatement of vegetation around the dam and tracks would become established within the first 10 years of operation and would soften the artificial skyline of the dam and the tracks would, in the longer term, be assimilated into the wider landscape, leading to reduced settings effects the Dell Lodge and rear service cottages and the Dell Farm Burial Mound.
Policy 58: Protected Species	Policy 58 is a multi-criterion-based policy which applies to development proposals that may affect protected species. The Proposed Development includes mitigation measures which would contribute to biodiversity enhancement including:

Policy	Policy Summary and Analysis
	• Peatland and Habitat Restoration included in a Habitat Management Plan; and • Compensatory planting resulting in a net increase in woodland cover. Subject to implementation of the proposed mitigation, no significant effects are identified for National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve. Further information on this is available in **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology, Chapter: 12 Aquatic Ecology, Chapter 14: Geology, Soil and Water**, and **Chapter 19: Forestry** of the EIA Report.
Policy 59: Other Important Species	Policy 59 identifies other important species which THC will generally seek to protect. No detrimental effects on any such species are predicted to occur and therefore the Proposed Development is considered to be in accordance with this policy.
Policy 60: Other Important Habitats	Policy 60 identifies other important habitats which THC will generally seek to protect. A programme of peatland restoration is proposed which will provide compensation for the loss of blanket bog and heathland habitat. The area proposed for peatland restoration is considered to be a degraded habitat due to inappropriate tree planting in the past. Restoration of this peatland habitat would present an opportunity to compensate for the predicted loss of habitat as well as provide additional biodiversity enhancement, whilst also sustaining nature networks.
Policy 61: Landscape	New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. A number of design iterations were considered by the Design Team in the pre-application process, whereby a number of factors were considered including topography and views and vistas with regards to the designated Loch Ness and Duntelchaig Special Landscape Area (SLA). Embedded mitigation measures developed during the design of the scheme (see **Chapter 2: Design Evolution and Alternatives**) form part of the Proposed Development, in order to improve the visual appearance of and assimilation of the Proposed Development into the landscape setting. Please also refer to the justification text relating to Policy 57 above.
Policy 63: Water Environment	**Chapter 14: Geology, Soils and Water** sets out the assessment of the potential effects on soils, geology, and the water environment of the Proposed Development. It considers both the construction and operational phases of the development life. Water management and the transfer of water to and from Loch Kemp is considered in detail in **Chapter 7: Water Management**, and potential effects on ecology is given in **Chapter 10: Terrestrial Ecology, Chapter 12: Aquatic Ecology** and **Chapter 13: Fish.** As a consequence of the embedded mitigation included in the site design and subject to the adoption of mitigation measures including good practice measures, no significant residual effects on soils (including peat), geological, surface water or groundwater receptors, including designated sites, Loch Ness

Policy	Policy Summary and Analysis
	DWPA and PWS sources are predicted during the construction and operational phases of the Proposed Development.
Policy 64: Flood Risk	Policy 64 requires development proposals to avoid areas susceptible to flooding and promote sustainable flood management. The management of water and duration and rate of water movement between the proposed upper reservoir (Loch Kemp) and lower reservoir (Loch Ness) will be agreed with consultees and regulated by SEPA by a CAR licence. Given these controls, the likelihood and magnitude of potential impact on surface and groundwater flow paths would be negligible. Therefore, the potential significance of effect on surface and groundwater flow is Negligible. No further or additional mitigation, therefore, is required other than the proposed confirmatory operational phase surface and groundwater programme.
Policy 66: Surface Water Drainage	The Proposed Development incorporates good practice drainage design during construction and operation, using a sustainable drainage system (SUDS) approach to control the rate, volume and quality of run-off, for the 'new build' elements of the proposal (i.e. Powerhouse building and Tailrace area). The likelihood and magnitude of potential impact on surface and groundwater flow paths would be negligible. Therefore, the potential significance of effect on surface and groundwater flow is Negligible. The Proposed Development is therefore considered to be in accordance with this policy. Please refer to **Chapter 14 Geology, Soil and Water.**
Policy 67: Renewable Energy Developments	Policy 67 supports proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments, having regard in particular to any significant effects including natural, built and cultural heritage features, species and habitats, landscape and visual impacts, amenity, safety, ground and surface water, tourism and recreation and transport. As the EIA Chapters identify, the Proposed Development has weighed all of the aforementioned significant effects and balanced these considerations thoroughly. In addition, this Proposal presents a real opportunity to help significantly lower carbon emissions and manage the country's electricity system on the route to Net Zero. The proposed scheme has the potential to supply clean electricity for up to 1,0000,000 homes.
Policy 72: Pollution	In accordance with Policy 72's requirements, an outline CEMP supports this application. A CEMP would be prepared by the appointed Principal Contractor. The CEMP would apply to all construction activities required as part of the Proposed Development. In particular, the CEMP would specify conditions to limit fugitive dust emissions. The final site-specific CEMP would be submitted to THC, once planning permission had been obtained. Please refer to **Chapter 18: Air Quality.**

Policy	Policy Summary and Analysis
Policy 73: Air Quality	Please refer to the justification outlined for Policy 72 above.
Policy 77: Public Access	In regard to Public Access, the powerhouse building would house administration and visitor facilities (visitor centre and viewing platform). Measures would be put in place to separate the publicly accessible areas of the building from restricted areas, such as the turbine hall, substation, control building and staff facilities. Measures may include having separate staff and visitor entrances, a manned reception, signage, and staff passes to access certain areas.

3.3 Climate Change, Net Zero Emissions, Renewable Energy Legislation, Targets and Policy Commitments

3.3.1 The UK has well-established legislation and associated policy relating to climate change, net zero and energy, the key aspects of which are noted in this section of the Planning Statement. Pumped storage hydro is recognised as a part of the wider requirements to deliver net zero by providing backup generation to replace more traditional fossil fuel-based generation and providing an opportunity for energy storage reducing curtailment of intermittent renewables. This section sets out important material considerations for the determination of this application.

International Context

COP Paris

3.3.2 On 12 December 2015 delegates from nearly 200 different countries gathered at the Paris Climate Conference (COP21) adopted a legally binding international agreement – known as 'the Paris Agreement' – by which all countries vowed to cut their carbon emissions. They agreed:

- "a long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius (°C) above pre-industrial levels;
- to aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change;
- on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries; and
- to undertake rapid reductions thereafter in accordance with the best available science, so as to achieve a balance between emissions and removals in the second half of the century."

3.3.3 Under the agreements, countries are also legally obliged to make new post-2030 commitments to reduce emissions every five years.

3.3.4 The EU formally ratified the Paris Agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. On the agreement, the European Commission stated, *"the Paris Agreement sends a clear signal to investors, businesses, and policy-makers that the global transition to clean energy is here to stay and resources have to shift away from polluting fossil fuels."*

COP Glasgow

3.3.5 In addition to the above legislation and targets, consideration should also be given to the UN Climate Change Conference of the Parties (COP26) event held in Glasgow in November 2021 at which there was worldwide consensus on the severity of the current climate emergency, in particular recognition of the loss and damage that the current impacts of climate change are already having. Following two weeks of intense talks, nearly 200 countries agreed to the Glasgow Climate Pact to continue to pursue efforts to limit global average temperature increases to 1.5°C in accordance with the Paris Agreement. All countries also agreed to speeding up the pace of climate action this decade and to revisit and strengthen their current emissions targets to 2030. These outcomes further emphasise the importance of rapidly increasing renewable energy generation capacity over the next decade in response to the global climate emergency.

COP27 Sharm el-Sheikh

3.3.6 At the November 2022 COP27 event commitments to limiting global temperature rise to 1.5°C were once again reaffirmed, with the UK Government negotiator, Alok Sharma, warning that this target *"remained on life support".* Regarding action to meet this target, he stated that: *"The world still needs a giant leap on climate ambition. The red line we must not cross is the line that takes our plan over the 1.5 degree temperature limit. To have any hope of keeping to 1.5, we need to massively invest in renewables and end our addiction to fossil fuels."*

UK Context

Net Zero: The UKs contribution to stopping global warming (Committee on Climate Change (2019)[6]

3.3.7 At COP21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5°C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.

3.3.8 On 2 May 2019 the Committee on Climate Change published its advice in 'Net Zero: the UK's Contribution to Stopping Global Warming'. The report made the following recommendations:

- "UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline.
- Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole.
- A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement."

3.3.9 The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least

[6] Net Zero - The UK's contribution to stopping global warming - Climate Change Committee (theccc.org.uk)

80% of their 1990 levels by 2050. As discussed later in this Chapter, the Scottish net-zero targets in the report have also since been legislated.

3.3.10 In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that *"this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay."* It continues that "current policy is insufficient for even the existing targets."

3.3.11 The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be *"supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today)."*

3.3.12 The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet its net zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels.

3.3.13 The report's 'further ambition scenario' for the power sector aims to see low-carbon sources providing 100% of power generation in 2050, with variable renewable sources anticipated to contribute some 57% of this total low carbon power generation.

Amendment to Climate Change Act 2008 (2019)[7]

3.3.14 Leading from the publication of CCC's report, in June 2019 the UK became the first country to declare a climate emergency and legislate long term climate targets. The resultant legislation amended the Climate Change Act 2008 (c.27) and introduced a legally binding target to achieve 'net zero' by 2050. Paragraph 1 of the Climate Change Act (as amended) sets out the target to 2050 and states that *"it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (which means the aggregate amount of net UK emissions of carbon dioxide for that year and net UK emissions of each of the other targeted greenhouse gases for the year that is the base year for that gas)".*

National Infrastructure Strategy – Fairer, Faster and Greener (2020)[8]

3.3.15 The National Infrastructure Strategy (NIS) was published in November 2020. The Strategy sets out the UK Government's plans to deliver on its ambition, being to 'deliver an infrastructure revolution: a radical improvement in the quality of the UK's infrastructure to help level up the country, strengthen the Union, and put the UK on the path to net zero emissions by 2050'.

3.3.16 The NIS is relevant to the Proposed Development as it sets out how the Government will address the issues we face and how it will build back 'fairer, faster and greener'. The NIS aims to provide investors with clarity over the Government's plans, so they can look at the UK with confidence and help deliver the upgrades and projects needed across the country.

[7] The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (legislation.gov.uk)

[8] *HM Treasury (2020) National Infrastructure Strategy Faster Fairer Greener*

Achieving Net Zero (2020)[9]

3.3.17 Published on 2 December 2020, the National Audit Office report to the UK Government examines the main risks to achieving net zero effectively and efficiently. The report is upfront in noting that most of the UK reductions in emissions have come about from the switch away from coal in electricity generation.

3.3.18 BEIS (The Department for Business, Energy, and Industrial Strategy) (now DESNZ) predicts that the UK will not meet its targets for emissions reduction unless action is taken to reduce the shortfall in achieving the targets set in the fourth and fifth carbon budgets. At paragraph 6 of the summary the report states that:

"Achieving net zero is a colossal challenge and significantly more challenging than the Government's previous target to reduce emissions by 80% by 2050."

3.3.19 The report confirmed that BEIS will launch a Net Zero strategy and the strategy will set out the governments vision for the out low carbon economy by 2050, encompassing all sectors that need to decarbonise, and closing the gap that currently exists in meeting the targets in the fourth and fifth carbon budgets. The strategy will set the level for the sixth carbon budget, review the cost of net zero and how it should be paid for, and establishing meeting net zero as part of the wider economic response following Covid-19.

The HM Government Energy White Paper – Powering our Net Zero Future **(December 2020)**[10]

3.3.20 The UK Government published its Energy White Paper 'Powering our Net Zero Future' in December 2020. The White Paper sets out the UK Government's current thinking on the way in which the UK should work towards meeting its net zero targets by 2050. It advises that although retiring capacity will need to be replaced, modelling suggests that the demand for electricity could double as transport and heat switch from petrol/diesel and gas respectively to electricity. It notes that this will require a fourfold increase in low-carbon generation by 2030 if the increased demand and net zero targets are to be met.

3.3.21 The various actions set out in the White Paper are described as *"a strong signal to project developers and the wider investor community about the government's commitment to deliver clean electricity."*

3.3.22 In October 2021, the UK Government unveiled plans to decarbonise the UK's electricity system by 2035. This brings forward by 15 years the government's commitment to a fully decarbonised power system by 2050, set out in the Energy White Paper.

The Sixth Carbon Budget: The UK's Path to Net Zero (2020)[11]

3.3.23 In December 2020 the Committee on Climate Change published 'The Sixth Carbon Budget', describing what the potential path options to net zero by 2050 look like and detailing the steps that must be taken to achieve this.

[9] Achieving net zero (nao.org.uk)

[10] Energy White Paper (publishing.service.gov.uk)

[11] theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf

3.3.24 A key recommendation of the report is that the UK Government requires a reduction in UK territorial greenhouse gases of 78% by 2035 relative to 1990 level. The report advises that this can be done through the following four steps:

- "take up of low carbon solutions;
- expansion of low carbon energy supplies;
- reducing demand for carbon intensive activities; and
- land and greenhouse gas removals."

3.3.25 Key benefits for the UK are seen as including the opportunity for low carbon investment, recognised at a time when it is needed to support the UK's economic recovery from the COVID -19 health crisis.

3.3.26 Page 23 refers to the devolved nations and sets out that *"UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland"* and recognises that although the main policy levers are held by the UK Government, that Scotland can take action through complementary measures at the devolved level including supporting policies such as *"planning and consenting".*

Climate Change Committee Progress Report to Parliament (2021)

3.3.27 The most recent of the Climate Change Committee's progress reports to Parliament was published in June 2021. The report is clear that this is a decisive decade for tackling climate change and advises that *"as the UK rebuilds after the COVID-19 pandemic, there is an opportunity to make systemic changes that will fill the gaps in the UK's climate response. Now is the time to invest in the UK's future through accelerated action to cut emissions and adapt to the changing climate, while supporting the global transition."*

3.3.28 Contained within the Report on Reducing Emissions are recommendations for the Scottish Government. These recommendations include that the Scottish Government *"scale up delivery across all sectors in line with the ambition set out in the recent Climate Change Plan Update".*

3.3.29 The Progress Report on Adapting to Climate Change advises that the ambition that has been set out by the UK Government, in the form of non-policy statements and documents, must now be turned into policy and delivered.

Net Zero Strategy: Building Back Greener (2021) [12]

3.3.30 The Net Zero Strategy: Build Back Greener paper was published in October 2021 and sets out the UK Government's policies and proposals to deliver net zero by 2050 as well as setting out a vision for a decarbonised economy in 2050.

3.3.31 The Strategy identifies the UK Government's intention to fully decarbonise the UK's electricity system by 2035, this target bringing forward the UK Government's previous commitment to a fully decarbonised electricity system by 15 years. Given the size of the challenge, the strategy states that the UK Government *"will need to consider how low carbon energy infrastructure can be deployed at an unprecedented scale and pace sympathetically alongside the interests of our communities and consistent with our obligations to a sustainable environment, both land-based and marine."*

[12] UK Government Net Zero Strategy: Building Back Greener (2021)

British Energy Security Statement (April 2022)[13]

3.3.32 This report sets out the Government's strategy for responding to the current energy crisis, introducing new energy supply measures to help with the transition to the UK's Net Zero target. It was a direct response to the challenges created as a result of the war in Ukraine. Amongst other measures, it emphasises increased domestic renewable energy regeneration and supporting infrastructure, including energy storage systems to increase flexibility and minimise waste, which will help to facilitate greater energy resilience and security in uncertain times.

Progress in Reducing Emissions – 2023 Committee on Climate Change Progress Report to Parliament [14]

3.3.33 The 2023 Committee on Climate Change (CCC) Progress Report to Parliament was published in June 2023 and updates on a previous progress report in 2022. It provides a review of Government efforts over the previous 12 months with regards to Climate Change. The document highlighted that policy was not moving fast enough nor act decisively enough on climate issues and that the UK has lost its clear global climate leadership on the issue. The CCC report recommends taking action to transition to a fully decarbonised electricity system. Furthermore, it sets a target to phase out gas-fired electricity generation in the UK by 2035, subject to ensuring security of supply.

3.3.34 There has been significant progress in the transition to renewables, with emissions from electricity having decreased by 65% from 2009 to 2019. Notwithstanding the drive for further renewable energy generation, renewable generation is intermittent and there is significant curtailment at periods of low demand and high production of renewable energy. The paper recommends further commitments and appropriate frameworks are put in place by 2024 to enable investment in large-scale long duration energy storage such as PSH.

The Energy Act 2023

3.3.35 The biggest piece of energy legislation in the UK's history has become law on 26 October 2023 the Government states *"lays the foundations for an energy system fit for the future … it will transform the UK's energy system by strengthening energy security, supporting the delivery of net zero and ensuring household bills are affordable in the long-term."*

3.3.36 The Act is aimed at ensuring long-term energy security and facilitating the country's transition to a 'net zero' energy system. The Government hopes that the Act will help unlock £100 billion of private investment in energy infrastructure and scale up jobs and growth.

Scottish Context

3.3.37 The Scottish Government also has a range of strategies and reports which outline its policies on renewable energy. These form part of its plan to reach net zero by 2045, five years before the UK Government Target. Pumped Storage Hydro is seen as an important part of the transition to net zero and has potential to bring benefits to Scotland and the UK.

3.3.38 The Scottish Government has introduced its own legislation on climate change through the **Climate Change (Scotland) Act 2009**[15] which has subsequently been amended by the **Climate Change (Emissions**

[13] British energy security strategy - GOV.UK (www.gov.uk)

[14] 2023 Progress Report to Parliament - Climate Change Committee (theccc.org.uk)

[15] Climate Change (Scotland) Act 2009 (legislation.gov.uk)

Reductions Targets) (Scotland) Act 2019 this increases the ambitions of Scotland's own emissions reductions targets to net zero by 2045, 5 years sooner than the equivalent overall UK target.

3.3.39 The Scottish Government has explicitly supported PSH within NPF 4 as noted in the section on NPF policy. Scotland has one of the best resources for pump storage hydro in the UK given its climate, water resource and topography and its abundant renewable energy resource.

The Climate Emergency Declaration

3.3.40 At the SNP Conference in April 2019, Scotland's First Minister declared a climate emergency: *"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."*

3.3.41 In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary stated: *"There is a global emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action."*

3.3.42 The Minister also highlighted the important role of the planning system in achieving climate change objectives, stating: *"…the next National Planning Framework [now published] and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."*

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

3.3.43 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31st October 2019 and came into force in March 2020. The Act responds to the Paris Agreement and the declaration of a 'climate emergency' in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56% by 2020, 75% by 2030, and 90% by 2040. These new greenhouse emissions targets represent a substantial increase over the targets set in the previous Act.

3.3.44 Part 4 of the 2019 Act places climate change duties on Scottish public bodies. It states that a *"public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in way that it considers most sustainable."* This means that all public sector organisations, including local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

3.3.45 To help ensure the delivery of the long-term targets, statutory annual targets for every year to net zero have also been set. For each year up to 2020, the annual percentage reduction required was 1 %. The latest Scottish Government statistics show that this target was missed for three consecutive years for the years 2017, 2018 and 2019. Whilst this target was hit for 2020, this was primarily due to the reduction in emissions as a result of the lockdowns imposed for the COVID-19 pandemic and is only likely to be transitory. For each year between 2020 and 2030, the annual percentage reduction increases to 1.9%, a near doubling of the response.

Climate Change Plan (Update to the Climate Change Plan - 2020) [16]

3.3.46 The Scottish Government published its most recent Climate Change Plan in December 2020. The Climate Change Plan Update responds to the declared climate emergency and considers what policies and proposals are necessarily to deliver against the new targets set under the Climate Change (Emissions Reduction) (Scotland).

3.3.47 The Climate Change Plan Update states that it is essential that a recovery from the COVID-19 pandemic *"responds to the climate emergency"* and *"continues the rapid growth in renewables over the past 20 years, moving from a low to a zero-carbon electricity system".*

3.3.48 Looking specifically at seeking to achieve Scotland's emissions targets out to 2032, the Climate Change Plan Update states that there will need to a be *"a substantial increase in renewable generation."* It seeks to quantify this by identifying that it expects between 11 to 16 GW of new renewable generation capacity will need to be developed during this period.

Scottish Government & Scottish Green Party: Draft Shared Policy Programme (August 2021)

3.3.49 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government in August 2021. A shared policy programme entitled 'The Bute House Agreement' was published which sets out areas of common ground and agreement on policy matters.

3.3.50 With regards energy, the document states that:

"The Scottish Government and Scottish Green Party believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy. To maximise the economic benefits of the transition, and to create quality green jobs, we will do more to support the growth of the supply chain and invest in the infrastructure we need."

3.3.51 Regarding national planning policy, the parties state that they agree that the approval of NPF4 *"will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030."* It continues that both parties will work towards an NPF4 that will *"actively enable renewable energy…recognising the global climate emergency as a material consideration for appropriately located renewable energy developments."*

The Draft Energy Strategy and Just Transition Plan (2023)[17]

3.3.52 Published on the 10 January 2023, the draft strategy sets out the future of our energy sector and sets out an ambitious suite of actions for the Scottish Government, along with actions for industry, the regulator, and the UK Government, to realise the transition to Net Zero. In doing so it seeks to ensure this transition is achieved in a way that is equitable for the people of Scotland. Three objectives are set out in the document i) scale up of renewable energy, ii) increased investment in the net zero economy,

[16] Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (www.gov.scot)

[17] Draft Energy Strategy and Just Transition Plan (www.gov.scot)

iii) deliver a secure energy system that is not reliant on international markets and delivers low costs for consumers.

3.3.53 The strategy provides significant support for Pumped Storage Schemes as part of the transition to a net zero energy system, renewables and other zero carbon technologies, including PSH, will need to provide all the services required to ensure a secure energy system.

Call for UK Government to support pumped hydro storage through a market mechanism: letter to Prime Minister (May 2023)

3.3.54 Scotland's First Minister, Humza Yousaf, issued a letter directed to the UK Government Prime Minister, Rishi Sunak MP urging *"the UK Government to support the development of long duration energy storage (including pumped hydro storage) through an appropriate market support mechanism."*

3.3.55 The letter acknowledges that additional deployment of renewables will play an important role in steering away from fossil fuels, however it highlights that large scale, long-duration energy storage is critical to this as it allows integration and maximisation of renewable electricity generation capacity, ensures security of supply and manages constraints across the grid. It is highlighted that currently, pumped hydro storage is the only major renewable electricity technology which is ineligible for UK Government support. In addition, the planning and consenting timescales are barriers to rapid deployment and another key barrier is the Scottish Government's lack of devolved powers to reform frameworks such as that set out in the UK Electricity Act (1989) which is sorely outdated on the provision for these matters. There is concern that slow action will dampen investor confidence, thus affecting deployment of these critical projects.

3.3.56 *"A UK Government consultation in 2022 identified pumped hydro storage as the most well - established large-scale, long-duration electricity storage technology in the UK".* Pursuant to this, and in order to efficiently continue to address the climate emergency, the First Minister urges the UK Government to accelerate progress on these important issues.

Scottish Energy Targets

3.3.57 The key Scottish energy policy considerations of relevance to the application for the Proposed Development are outlined below.

The Electricity Generation Policy Statement (2013)

3.3.58 The Scottish Government's Electricity Generation Policy Statement (EGPS) was published in June 2013 and looks at the ways Scotland generates electricity generation needs to change to meet climate change targets.

3.3.59 The EGPS 2013 states that electricity storage could play an important and growing role alongside renewable electricity production, helping to address the intermittency of certain forms of renewable generation, complementing interconnection and demand-side response. The EGPS 2013 recognises various benefits of energy storage, including allowing the best use of existing generation and in particular renewable energy resources, and the potential for storage to provide 'black start' capacity.

Scottish Energy Strategy (2017)

3.3.60 The Scottish Energy Strategy (SES) was published in 2017 and was therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. A new draft strategy for Scotland was published in January 2023, titled 'Draft Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland'.

3.3.61 The current SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The Strategy identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of Scotland's needs.

3.3.62 The SES sets a target for the equivalent of 50 % of the energy for Scotland's heat, transport, and electricity consumption to be supplied from renewable sources by 2030. This 50 % target roughly equates to of 17 GW of installed capacity in 2030. The latest figures on the Scottish Government's Energy Statistics Hub identify that in 2020 25.4 % of total Scottish energy consumption came from renewable sources.

3.3.63 The SES also sets a second target for an increase by 30 % in energy productivity by 2030 across the Scottish economy from a baseline of 2015. The latest figures on the Scottish Government's Energy Statistics Hub (Scottish Government 2022) estimate that energy productivity in Scotland in 2020 was 5.9 % below the 2015 baseline.

3.3.64 Alongside these energy targets, the SES also sets out six strategic priorities. These include that "*Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place."* It adds that *"Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply*."

3.3.65 The SES refers to energy storage as an important source of the flexibility needed in the energy system. It supports investment in new pumped storage hydro through collaboration, to secure the maximum benefits from increasing the flexibility of the electricity network, and to support the innovation and deployment of storage technologies and capacity.

Vision for Scotland's Electricity and Gas Networks (2019)

3.3.66 Scottish Ministers have provided further guidance as to the development of electricity infrastructure in Scotland in its Networks Vision document published in March 2019. This states that there should be a focus on delivering "*a secure and resilient transmission network for Scotland, engineered to reflect the changing dynamics of the electricity system, and with a System Operator able to access the technical services needed to maintain stability.*"

3.3.67 It continues that "*Re-engineering these networks to decarbonise the energy that flows through them is a major challenge – as is the coordination and integration of new and potentially 'disruptive technologies' that can contribute strongly to decarbonisation such as energy storage, electric vehicles, fuel cell vehicles and the use of hydrogen or biofuels for heating*."

Draft Energy Strategy and Just Transition Plan (January 2023)

3.3.68 The Scottish Government published a 'Draft Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland' on 10th of January 2023 for consultation until 4th April 2023. This Strategy will replace the previous strategy adopted in 2017 and set a vision for Scotland's energy system to 2045.

3.3.69 The Ministerial Foreword states:

"*The evidence has never been stronger on the need for transformation of our energy system. We are publishing this draft Energy Strategy and Just Transition Plan at a time of unprecedented uncertainty and change in global and national energy systems. The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition*."

3.3.70 Furthermore, the Foreword sets out the key ambitions for Scotland's energy future, those relevant to this Proposed Development are set out below:

- "More than 20 GW of additional renewable electricity on and offshore by 2030.
- Increased contributions from solar, hydro and marine energy to our energy mix.
- Energy security through development of our own resources and additional energy storage.
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production."

3.3.71 The draft Strategy's vision is *"that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient, and clean energy supplies for Scotland's households, communities, and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities, and regions.*

3.3.72 *In order to deliver that vision, this strategy sets out clear policy positions and a route map of actions with a focus out to 2030 that the Scottish Government will take and the changes that the UK Government must deliver.*"

3.3.73 Chapter 5: Creating the conditions for a net zero energy system highlights that Scotland remains the UK's hydro capital, accommodating over 88% of the UK's hydro capacity. This chapter recognises that pumped hydro storage plays a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks. It also recognises that pumped hydro storage projects have the potential for benefits to the local economy, increased job creation and for providing resilience in the system.

Summary

3.3.74 There are some key messages flowing from this section:

3.3.75 'Powering our Net Zero Future 2020' highlights the fourfold increase in low-carbon generation by 2030 if the increased demand and net zero targets are to be met. The UK Government states that this sends *"a strong signal to project developers and the wider investor community about the government's commitment to deliver clean electricity".* Statera is responding directly and positively to the Government's commitment.

3.3.76 In 'Net Zero Building Back Greener 2021' the UK Government states that it has to consider how low carbon energy infrastructure can be deployed at an unprecedented scale and pace. This will require significant ancillary energy storage to be deployed at scale and pace as well to support the planned growth in renewable energy generation.

3.3.77 The 'British Energy Security Statement 2022' - emphasises the increased need for domestic renewable energy regeneration and supporting infrastructure, including energy storage systems to increase

flexibility. The statement notes that this will help to facilitate greater energy resilience and security in uncertain times.

3.3.78 The 'Progress in Reducing Emissions – 2023 Committee on Climate Change Progress Report to Parliament' - recommends further commitments and appropriate frameworks are put in place by 2024 to enable investment in large-scale long duration energy storage such as Pumped Storage Hydro.

3.3.79 'The Draft Energy Strategy and Just Transition Plan (2023)' provides significant support for Pumped Storage Schemes as part of the transition to a net zero energy system. Renewables and other zero carbon technologies, including Pumped Storage Hydro, will need to provide all the services required to ensure a secure energy system.

3.3.80 The First Minister's letter to Prime Minister (May 2023) highlights that large scale, long-duration energy storage is critical as it allows integration and maximisation of renewable electricity generation capacity, ensures security of supply, and manages constraints across the grid. The First Minster also points out that a UK Government consultation in 2022 identified pumped hydro storage as the most well-established large-scale, long-duration electricity storage technology in the UK.

3.3.81 The Scottish Government's 'Draft Energy Strategy and Just Transition Plan (January 2023' states more than 20 GW of additional renewable electricity on and offshore will be needed by 2030 supported by energy security through development of Scotland's own resources and additional energy storage.

3.3.82 The Scottish Government states that Scotland remains the UK's hydro capital, accommodating over 88% of the UK's hydro capacity. The plan recognises that pumped hydro storage plays a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks.

3.3.83 This Proposed Development provides essential energy storage to balance the grid and make best use of intermittent renewable generation power (e.g. wind). Pumped Storage Hydro provides critical ancillary infrastructure and makes a vital and material contribution to decarbonising energy supply and the transition to net zero carbon emissions. As such it is directly supported by very strong material considerations in legislation, policy, and targets at International, UK and National levels.

4. Conclusions

4.1.1 This Planning Statement has outlined the climate change, renewable energy, energy and planning policies and targets that are relevant material considerations to the determination of this application for the Proposed Development.

4.1.2 Both UK and Scottish Government legislation and energy policy have for some considerable time provided a strong commitment to renewable energy and a reduction in greenhouse gas emissions in order to seek to tackle climate change. There is now growing consensus on the severity of climate change, including the impacts that climate change is already having both here in the UK and Scotland and across the world. As identified in this Statement, amendments to the Climate Change (Scotland) Act 2009 have been made by the Scottish Government, which recognise the urgent response that is required. These amendments set challenging statutory annual targets for every year that clearly demonstrate the speed of change that is required to reach net zero prior to 2030.

4.1.3 Within national energy and planning policy, there is therefore now increased support for significant deployment of renewable energy development and for storage projects that help to maximise renewable energy capabilities through maintaining security of supply and a resilient system. NPF4, which represents the most up to date planning policy and now forms part of the statutory development plan, gives considerable support for developments that address the climate emergency and nature crises. It also directs decision makers to give the climate emergency and nature crises significant weight in all decisions. The Highland Council in its HwLDP also has policies which strongly support renewable energy development, including pumped hydro storage. As identified in this Statement, the policy support is not unconditional, but requires the full assessment of projects against a number of planning criteria intended to safeguard the local environment and maximise the economic and social benefits of such projects. These matters have been considered in the EIA process and the findings are presented in this Statement and EIA Report.

4.1.4 The potential impacts of the Proposed Development on environmental resources and receptors and its likely significant effects, have been assessed in detail, through a robust EIA process, undertaken by a team of competent experts and, where required, compensatory measures and mitigation is proposed, as outlined within this Planning Statement and the supporting technical documents. The scheme complies with the Scottish Legislation in regard to climate change, net zero emissions and renewable energy.

4.1.5 Scotland has the UK's highest mountains and largest inland lochs. This combined with high rainfall makes Scotland an excellent location for Pumped Storage Hydro. The Loch Kemp proposal will make a measurable contribution to the transition to Net Zero. It will also address the urgent need set out in policy to ensure that energy storage supports the increasing deployment of intermittent renewable energy supplies, whilst at the same time providing security of supply and resilience to the grid. In so doing it will also provide a full package of benefits, including:

- Reducing CO_2 emissions by hundreds of thousands of tonnes
- Providing the equivalent of 1,000,000 homes with electricity
- Delivering socio-economic and tourism benefits during construction and operation
- Delivering both temporary jobs through the construction phase, and 25 new full-time jobs once fully operational

- Providing security of a long-term, reliable and green energy source.

4.1.6 This development is therefore fully compliant with both Government objectives and National Planning Framework 4 (NPF4), which promotes pumped storage hydro as one of the six national developments, stating:

"This national development supports pumped hydro storage capacity within the electricity network through significant new or expanded sites. This supports the transition to a net zero economy through the ability of pumped hydro storage schemes to optimise electricity generated from renewables by storing and releasing it when it is required."

4.1.7 The Proposed Development will contribute to the vision of sustainable economic growth and sustainable places through new investment and employment. It will create new temporary jobs through the construction programme with an average of around 356 people on-site during the construction phase, and a total of 1,716 construction related years of employment. The Proposed Development would create 25 new full-time jobs once fully operational. Construction and operational effects would bring notable Gross Value Added (GVA) impacts, as well as wider additional impacts, including supporting policy ambitions, perception benefits, salary benefits, exchequer benefits, local supply chain opportunities and pre-development impacts.

4.1.8 Overall, it is therefore submitted that the Proposed Development is in accordance with the provisions of the Electricity Act 1989 and the Development Plan, and that there are no material considerations that indicate that consent should not be granted. It is considered that any significant effects of the Proposed Development that have been identified in the EIA Report, do not outweigh its positive climate change, renewable energy and socio-economic benefits.

4.1.9 It is therefore concluded that when all relevant considerations have been taken into account, that the planning balance strongly favours the granting of consent for the Proposed Development. On this basis, it is submitted that section 36 consent and deemed planning permission should be granted for the Proposed Development.