Chapter 5: Scoping and Consultation - Contents

List of Figures (Volume 2)

There are no figures associated with this Chapter.

List of Appendices (Volume 4)

Appendix 5.1 – Scoping Opinion

Appendix 5.2 – Scoping Matrix

Appendix 5.3 – Gate Check Report

Appendix 5.4 – Gate Check Matrix

Appendix 5.5 – Further Consultation with Consultees

Appendix 5.6 – Pre-application Consultation (PAC) Report

5. Scoping and Consultation

5.1 Introduction

5.1.1 In general, the EIA Regulations require that an EIA should describe the likely significant effects of a Proposed Development on the environment. Scoping of potential likely significant effects having regard to the physical impacts of a proposed development provides a basis for ensuring that the assessment of environmental effects is appropriately limited to the issues of genuine potential significance. This ensures a proportionate approach to EIA that is focused on likely significant effects to be considered and assessed. Consultation and engagement with stakeholders early in the process, with advice input from key consultees being sought, helps greatly to inform decisions about the design and the EIA work for a proposed development.

5.1.2 This Chapter describes the pre-application consultation, the Scoping process and further consultation that was undertaken to determine the scope of the EIA Report, and the consultations that were undertaken to inform the local community of the Proposed Development. This Chapter also includes a brief description of the environmental receptors of potential significance associated with the Proposed Development which are addressed in detail in the EIA Report, and those that are scoped out.

5.2 Scoping

5.2.1 A formal request for a Scoping Opinion was made to the Scottish Ministers under Regulation 12 of the EIA Regulations in December 2021. A Scoping Report was submitted to support the request, which sought input from statutory and non-statutory consultees regarding the information to be provided within the EIA report (to accompany a section 36 application under the Electricity Act 1989).

5.2.2 A Scoping Opinion was subsequently provided by the Scottish Ministers on the 21st October 2022 (See **Volume 4, Appendix 5.1: Scoping Opinion**), which has been considered in detail during the EIA process. **Volume 4, Appendix 5.2: Scoping Matrix** of this EIA Report includes a matrix detailing the key issues that were raised in the Scoping Opinion and how and where they are addressed in the EIA Report.

Key Scoping Issues

5.2.3 The Scoping Opinion makes reference to site specific issues of interest to the Scottish Ministers, to be considered and addressed in addition to those laid out in responses from consultees. The issues raised by Scottish Ministers were as follows.

Drinking Water Protected Areas

"Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development and includes details in the EIA report of any relevant mitigation measures to be provided."

"Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided."

5.2.4 Scottish Water has been contacted to request information on any assets, DWPAs and / or Private Water Supplies within proximity of the Proposed Development. Scottish Water Assets and private water supplies have been investigated as part of the assessment of impacts on the water environment in relation to the Proposed Development. **Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of this EIA Report contains details of any assets and / or private water supplies identified, and the likely impacts and set out suitable mitigation measures, where required which have been assessed.

Peat Landslide Management

"Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required."

5.2.5 A Peat Landslide Hazard and Risk Assessment has been prepared for the Proposed Development in line with best practice guidance and is included as **Volume 4, Appendix 14.2: Peat Landslide Hazard Risk Assessment** of this EIA Report.

Landscape and Visual Impact

"The scoping report considers landscape and visual impact of the development and identified viewpoints to be assessed within the landscape and visual impact assessment. Please address the Planning Authority's request in their response as regards landscape and visual assessment and specifically that relating to cumulative effects and viewpoints and address Mountaineering Scotland's request in their response for additional required viewpoint assessment."

5.2.6 A series of photomontage visualisations have been prepared to support the LVIA, included within **Volume 3a** and **Volume 3b** of this EIA Report. The viewpoint locations are described in **Chapter 8: Landscape and Visual Impact Assessment**. Viewpoint locations were determined as part of the pre-application consultation with both THC and NatureScot.

Spoil Management and Forestry

"Ministers note and welcome the proposal to including a spoil management plan and would encourage use of spoil on-site (e.g. in dam construction) and details should be provided where possible on other developments where otherwise spoil may be used rather than sent to waste. As stated by the planning authority a specific chapter on forestry should be included setting out where the Control of Woodland Removal policy applies and how compliance has been demonstrated."

5.2.7 **Volume 4, Appendix 3.4: Outline Spoil Management Plan** and **Volume 4, Appendix 3.5: Outline Borrow Pit Screening Report** of this EIA Report detail the locations, estimated volumes and nature of spoil/material that will be translocated throughout the construction phase of the Proposed Development. Details of potential re-use destinations/options will also be listed (subject to change).

Proposals on forestry, felling, translocation and compensatory planting (in line with the Control of Woodland Removal policy) are detailed within **Chapter 19: Forestry**.

Design Evolution and Alternatives

"Ministers acknowledge and welcome that the Company have carried out detailed pre-application consultation. This should be documented in the EIA report to aid the discussion of how alternative iterations of the proposal were considered before arriving at the final design proposed in the application. Ministers agree with NatureScot and the Planning Authority that the EIA should include a description of such reasonable alternatives (in terms of project design and locations studied by the developer) which are relevant to the proposal and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. Please note the Planning Authority and NatureScot's responses regarding alternatives."

"It will be important for the Company to set out a detailed section on the alternative solutions (as referred to above) which have been explored (both in terms of location and layout); a comprehensive analysis of the socio-economic benefits (both local and national) that would be realised by construction and operation of the project, and to set out any necessary compensatory measures that may be proposed to ensure the coherence of the UK Site network."

5.2.8 The Applicant has held numerous meetings with statutory consultees during the design phase of the Proposed Development, as detailed in **Section 5.4** of this chapter, and this has played an integral part in the design evolution process, particularly in relation to reducing the impacts on the Ness Woods Special Area of Conservation (SAC). **Chapter 2: Design Evolution and Alternatives** of this EIA Report details the design evolution and expands upon the design changes and all the alternatives considered in line with comments made by NatureScot and THC.

Impact on Fisheries and Aquatic Habitats

"Ministers agree with MSS, NatureScot, SEPA, Scottish Canals and the Ness DSFB that the EIAR should include comprehensive considerations of potential impacts on fish species and their habitats (including potential cumulative impacts). Please note MSS, NatureScot, SEPA, Scottish Canals and the Ness DSFB's responses regarding fish species and their habitats and comply with any information requirements set out therein."

5.2.9 **Chapter 12: Aquatic Ecology** and **Chapter 13: Fish** of this EIA Report address impacts throughout different stages of the Proposed Development lifecycle (construction and operation), cumulative effects, and mitigation. These chapter also includes details of survey data collected in response to consultation with Ness DSFB, MSS, NatureScot, and Scottish Canals.

5.2.10 Fish Surveys undertaken include:

- Riverine Macroinvertebrate Surveys;
- Loch Macroinvertebrate Surveys;
- Aquatic Lichen Surveys;
- Riverine fish habitat assessment (including salmonid spawning suitability);
- Loch fish habitat assessment (including salmonid spawning suitability); and
- Electrofishing surveys (fish population assessment).

5.2.11 The Applicant raised Ness DSFB's request for detailed tracking studies on adult, or smolt stage, salmonid passage or use of Loch Ness in a letter to the Scottish Government's Energy Consents Unit

(ECU) (Ref 120019-L-NESS DSFB1-1.0.0) issued on 29th April 2022. This letter acknowledges that there would be benefit in such studies being undertaken in the wider context and advises that whilst the Applicant would be happy to participate in this research, they do not consider it reasonable to undertake such studies as part of the EIA assessment for the Proposed Development, particularly given the time frames that would be required to obtain meaningful results from such studies. The letter also notes that the completion of such research has not been a requirement for other recently consented PSH schemes.

5.2.12 Although the Applicant did not receive a direct response to this letter, it is noted that in the Scoping Opinion, the ECU advise that the Applicant should note all scoping responses regarding fish species and their habitats and comply with any information requirements set out therein.

5.2.13 In response to this, the Applicant had made a commitment to Ness DSFB to contribute to the cost of a smolt tracking study, but both the Applicant and Ness DSFB recognise that it will need other parties to co-operate. The Applicant has consulted with experts on fish screening and will in any event be deploying the latest thinking and experience on designs irrespective of the outcome of any future study i.e., the Applicant will adopt the precautionary approach. The Applicant is also in discussion with Ness DSFB about the feasibility of undertaking trap and transport / 'trap and truck' for smolt mitigation (which would include tagging and tracking), as detailed in **Section 5.4** of this Chapter.

5.2.14 The Applicant maintains that given the precautionary approach adopted, the smolt tracking research requested is not required to allow EIA to be carried out accordance with legislation, guidance and good practice for the current proposal. The level of investigation sought by Ness DSFB is disproportionate to the information required to allow a robust assessment to be produced. The potential effects on the affected receptor have been considered as required by the Scoping Opinion.

5.2.15 Potential impacts on fish populations are discussed and assessed within **Chapter 13: Fish**. The likely impacts of the Proposed Development on watercourses and waterbodies are assessed in **Chapter 14: Geology, Soils and Water**.

Designated Sites

"Ministers note the advice from NatureScot that impacts from the scheme as presented in the Scoping Report have the potential to have adverse effects on the integrity of the Ness Woods Special Area of Conservation ("SAC"). It will be necessary for Ministers to understand through detailed survey work the value and sensitivity of bryophytes and protected mammals in the SAC, and the extent of woodland habitat that would be lost as a result of the proposed development. Ministers agree with the requirements set out by NatureScot in relation to the River Moriston SAC, Lochs SPA and Knockie Lochs SSSI, and would ask that the applicant comply with all of the information requirements as requested in NatureScot's consultation response."

"In considering whether the proposed Development will have an adverse effect on the integrity of the Ness Woods SAC, Scottish Ministers shall have regard to the manner in which the Development is proposed to be carried out, and any conditions or restrictions which they propose to be imposed on any permission. The Company should set out any development which is integral to the project and for which planning permission may be sought as part of the application, which set out to avoid, minimise or remove negative effects on the SAC or which may contribute positively to the conservation objectives of the SAC."

5.2.16 The EIA Report includes a detailed assessment on the potential impacts of the Proposed Development on the Ness Woods SAC, River Moriston SAC and Knockie Lochs SSSI. A Shadow Habitats Regulations Assessment (HRA) has also been undertaken. These assessments have been informed by an extended phase 1 habitat survey, NVC survey, bryophyte surveys, lichen surveys,

Ground Water Dependent Terrestrial Ecosystems (GWDTE) survey, tree tagging and protected species surveys. The Shadow HRA for the Ness Woods SAC has determined that adverse effects on the integrity of the Ness Woods SAC cannot be ruled out for the SAC's two woodland qualifying features. As such, a Compensatory Measures Package for the site has been developed in consultation with NatureScot and is included as part of the Derogation Report. The Shadow HRA, Compensatory Measures Package and the Derogation Report are both included as standalone documents to support the Section 36 application.

5.2.17 **Chapter 2: Design Evolution and Alternatives** expands upon how the Applicant has endeavoured to minimise the impact of the Proposed Development on the Ness Woods SAC.

Underground Connection

"Ministers note NatureScot's request for details of the underground grid connection in any cumulative assessment, but acknowledge that for regulatory reasons the grid connection route will be decide by and applied for by another party under a different process. Ministers are content that the impacts of the grid connection on the SAC will need to be considered separately at that time and any consideration on application for the grid connection would include the effects of that in cumulation with the PSH development."

5.2.18 It is anticipated that the grid connection cable would be routed within a tunnel and a cable shaft built as part of the pumped storage scheme through the Ness Woods SAC. As the 275 kV cable and the 275 kV switching station are considered as Associated Works to the Proposed Development (as described in **Section 3.7**, of **Chapter 3: Description of Development**), separate consent would be required for these elements, but they are considered as part of the cumulative assessments within the EIA Report. As the cable would be routed through the tunnel beneath the SAC, no additional land take from the SAC is anticipated as part of the grid connection applications.

5.2.19 Works to complete the grid connection between the switching station and the point of connection to the National Grid (anticipated to be at the existing Foyers Substation) are not known at this stage and therefore consideration of the environmental effects associated with the works cannot be considered in this EIA Report.

Further Consultation

"Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage impacts, and cumulative assessments and request that they are kept informed of relevant discussions in that regard."

5.2.20 Further consultation has been undertaken with relevant consultees on the noted topics, where required. Scottish Ministers have been copied into, or made aware of, all relevant correspondence. This is summarised in **Volume 4, Appendix 5.5: Further Consultation with Consultees** below.

Mitigation

"The Scottish Ministers are required to reach a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts."

5.2.21 Mitigation measures are set out at the end of each technical chapter of this EIA Report, as relevant, following an assessment of likely significant effects. **Chapter 3: Description of Development** also includes some general mitigation measures which apply across the Proposed Development. All proposed mitigation measures set out throughout the EIA Report are collated within a tabulated schedule, included as **Volume 4, Appendix 3.2: Schedule of Mitigation.**

Further Engagement with Consultees following Scoping Opinion

SEPA

5.2.22 On the 29th April 2022, the Applicant issued a letter (Ref: 120019-L-NDSFB1-1.0.0) to ECU (via email) in relation to SEPA's request in their scoping response that the EIA assessment includes information on the morphological impact of the Proposed Development on Loch Kemp. The Applicant advised ECU that they would undertake further consultation with SEPA to clarify what survey work would be expected but would expect any measures proposed as part of the EIA to be pragmatic and proportionate to the Proposed Development.

5.2.23 On the 24th of May 202, ASH contacted SEPA (via email) to request that SEPA clarify what information would be required to assess the morphological impact of the Proposed Development on Loch Kemp. SEPA responded on the 29th May 2022 to confirm that following further internal discussion, they had concluded an assessment of the morphology is not required as part of the EIA Report. The Highland Council

5.2.24 On the 25th May 2022, the Applicant issued a letter (Ref: 120019-L-THC1-0.1.0) to THC (via email) in relation to various comments in their scoping response. No response to this letter was provided by THC.

Landscape and Visual

5.2.25 In the letter the Applicant agreed that the LVIA study area should be extended from 6 km to 10 km from the outermost elements of the Proposed Development.

5.2.26 The Applicant noted THC's request for the inclusion of photomontages at different stages during construction and operation and proposed to include one set of photomontages at the construction stage, representing a worst-case scenario, as well as photomontages at one year after completion of construction, and ten years after completion of construction.

5.2.27 The Applicant noted THC's request for the inclusion of a further visualisation from the vicinity of Invermoriston, in addition to the potential visualisation locations proposed within the Scoping Report. The Applicant advised that there would be very limited visibility at some of the locations identified by THC but confirmed that they would endeavour to find a suitable location from the A82 to illustrate worst-case views of the powerhouse building. The Applicant confirmed they would agree the final list of visualisations with THC. Refer to **Chapter 8: Landscape and Visual Impact Assessment** for full details of correspondence regarding the agreed visualisations.

5.2.28 The Applicant noted THC's request that, in addition to Red John and Coire Glas Pumped Storage Schemes, wind energy development in the study area would be included in the cumulative assessment. The Applicant highlighted that at the Major Pre-application meeting, THC clarified that it is the tracks rather than the turbines that the Council would like to be considered in the cumulative assessment. The Applicant confirmed that they would refer to the THC's interactive Wind Turbine Map to identify potential wind farm sites for inclusion considered in the cumulative assessment for the LVIA.

5.2.29 The Applicant reiterated that the LVIA would comprise a receptor-based assessment (rather than a Viewpoint assessment) and would consider the potential for effects on visual amenity within the study area. The Applicant confirmed that this assessment would take into consideration visual receptors located at residential properties and workplaces, recreational sites and those using roads and Core Paths and other recreational routes throughout the study area, well as boat users in Loch Ness.

Noise

5.2.30 In the Scoping Report, the Applicant proposed that operational sound could be scoped out of full assessment because the closest Noise Sensitive Receptor (NSR) is 2.2 km from the powerhouse and the main power generation equipment is housed in a well-insulated building so operational sound would be unlikely to have a significant effect.

5.2.31 The Applicant noted THC's request that a noise assessment covering the operational phase of the Proposed Development is included in the EIA Report. The Applicant suggested that, in line with guidance provided in BS4142, a suitable absolute noise limit could be agreed with THC's Environmental Health Officer (EHO) to obviate the need for a background noise survey. A predictive noise model covering operational sound could then be included in the assessment to demonstrate compliance with the agreed absolute noise limit and to inform the cumulative noise assessment.

5.2.32 The Applicant noted THC's request that the noise assessment considers potential cumulative effects from any other existing or consented development and advises that a joint approach is considered where applications run concurrently. The Applicant confirmed that cumulative effects would be included in the EIA, but suggested a joint approach for concurrent applications is more aligned to cumulative wind farm developments, which can share NSR's where noise limits are set for various wind speeds.

5.2.33 The Applicant noted THC's request that the assessment should include a map of cumulative developments and all noise sensitive properties. The Applicant responded that the extent of such a map needs to reflect the potential impact area specific to the Proposed Development. The closest NSR's are located at least 2.2 km from the powerhouse building and beyond this distance, the contribution from operational sound from the Proposed Development would be so low as to be not significant.

5.2.34 The Applicant noted THC's request that the assessment should include a mitigation scheme to be implemented should noise levels be found to exceed consented levels. The Applicant responded that 'post-operational' mitigation schemes are a requirement suited to wind farm developments, where operational mitigation can include, for example, shutting down selected wind turbines. However, operational noise mitigation is not practicable for the type of generation from the Proposed Development, which would require continuous operation of all the power units when in operation. As an alternative, the Applicant suggested that the plant design, including any design mitigation, is shown to be consistent with meeting any noise limits that are defined in the planning consent.

5.2.35 The Applicant noted THC's request that consideration be given to any increase in exposure time. The Applicant requested clarification on this point as with the closest NSR's being 2.2 km from the powerhouse building, the expectation would be that sound emission would not cause a significant impact on any properties.

5.2.36 The Applicant noted THC's request that background noise surveys should be undertaken in accordance with good practice guidance and monitoring locations agreed with THC's EHO. The Applicant reiterated that they propose to agree absolute sound level targets with the EHO, to obviate the need for a background survey. Detailed noise modelling, based on the proposed powerhouse design and equipment sound levels, together with assumed design mitigation, would then be included for the purpose of demonstrating that agreed noise limits can be met.

5.2.37 The Applicant confirmed that a detailed construction noise assessment would be prepared in accordance with the noted BS5228-1 Standard and that an outline Construction Noise and Vibration Management Plan (CNVMP) would be included in the EIA Report (see **Volume 4, Appendix 17.3: Outline Construction Noise and Vibration Management Plan**).

Traffic and Transport

5.2.38 The Applicant confirmed that a high-level overview condition survey would be provided but noted that the condition may change in the time taken between the review and construction works commencing.

5.2.39 The Applicant confirmed that consented schemes with significant traffic generation would be included in the Transport Assessment (TA) and that the final list of committed cumulative developments would be agreed with THC.

5.2.40 The Applicant confirmed that the proposed study area would be expanded to include the B862, between its junction with the B851 and the A8082 Holm Road at Inverness, and the B852 between its junction with the B862 near Bailebeag and the B862 at Dores, as requested.

5.2.41 The Applicant confirmed that the increase in the use of routes identified as popular tourist routes and key connections for local communities would be addressed in the Construction Traffic Management Plan (CTMP).

5.2.42 The Applicant noted that WSP, on behalf of THC, welcome the proposal to consider the use of the Caledonian Canal for the delivery of abnormal loads and confirmed that if this is considered a viable option following a detailed study, details would be provided at an appropriate point during the project, to be agreed with THC, Transport Scotland and Scottish Canals.

5.2.43 The Applicant noted that THC stated that a High National Traffic Forecast be applied for the Transport Assessment, whilst WSP commented that the use of low traffic growth based on the National Road Traffic Forecast (NRTF) within the proposed assessment should be justified. The Applicant requested clarification on which assumptions should be used.

5.2.44 The Applicant advised that it is not anticipated that excavated tunnel spoil would need to be removed from site by road and that borrow pits, within Dell Estate, would be used to make up the shortfall of rock required for construction. It is therefore not anticipated that any spoil material would be moved to or from site via public roads.

5.2.45 The Applicant confirmed that the TA would be based on the reasonable worst-case period during construction, assuming realistic construction scenarios.

5.2.46 The Applicant noted that WSP, on behalf of THC, consider that the use of environmental assessment criteria to ascertain the road engineering, transport impacts and road safety considerations of an evolved sub-standard rural road is not considered appropriate. The Applicant responded that these

criteria are set out specifically for road traffic and this approach is adopted across other rural authorities in the UK. However, the Applicant will adopt a different recognised methodology if specified in detail by THC.

5.2.47 The Applicant noted that WSP, on behalf of THC, consider that the use of generic theoretical percentage thresholds is inappropriate to determine impact significance and severity on the B851, B862 and B852. The Applicant disagreed and noted that traffic impact for any project is based upon percentage impacts in the first place and is required in the EIA guidelines.

5.2.48 The Applicant noted that WSP, on behalf of THC, request a practical approach dealing with the reality of the public road network to determine the type and scale of roads and the mitigation needed. The Applicant confirmed that a condition and operation review of the network would be undertaken to establish the baseline. If the traffic impacts are such that additional mitigation is required to maintain that current baseline condition, then appropriate measures would be developed in consultation with THC.

5.2.49 The Applicant confirmed that a TA, a Construction Traffic Management Plan (CTMP) and an Abnormal Load Assessment/Route Survey Report would be provided with the EIA Report, as requested.

Geology, Hydrology and Hydrogeology

5.2.50 The Applicant noted THC's request that peat probing should not be done just at the point of infrastructure but also cover areas of ground which would be subject to micrositing. The Applicant confirmed this approach and has undertaken peat probing in the proposed inundation area.

5.2.51 The Applicant noted THC's request for, and information on, abstractions of water supplies for concrete works or other operations, and that the EIA Report should identify whether a public or private source would be utilised. The Applicant responded to suggest that this should be addressed as part of the CAR licence application.

5.2.52 The Applicant noted THC's request that the operator of Red John PSH should be part of the discussion on water management. The Applicant responded that engagement with the operator of this scheme would be sought.

5.2.53 The Applicant noted THC's Flood Risk Management Team request that the application should include a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). The Applicant responded to confirm that a FRA would be provided as part of the EIA Report but proposed that the DIA would be included in the CEMP and that this could be secured by a planning condition.

5.2.54 The Applicant confirmed that a PMP and PLHRA would be undertaken as part of the EIA process in line with relevant guidance. These reports would be informed the findings of the site-specific peat probing. An assessment of the effects on GWDTE, in accordance with guidance published by SEPA, would also be undertaken as part of the EIA Report.

5.3 Gate Check

5.3.1 Prior to a Section 36 Application being submitted, there is a two-stage "gate check" process to be undertaken by the Applicant in accordance with the ECU's gate checking procedures for Section 36 and 37 applications. For gate check stage 1, the Applicant provides a Gate Check Report to ECU,

which sets out the how the Applicant is going to address the matters set out in the scoping opinion in the EIA Report. ECU review the report and seek comments from key consultees on the approach of the proposed EIA Report. The principal function of gate check stage 2 is to manage the administrative requirements of the submission of the application.

Gate Check 1

5.3.2 The Applicant submitted a Gate Check Report to ECU on 7th August 2023 (See **Volume 4, Appendix 5.3: Gate Check Report)**. The Applicant and the ECU then had a call to discuss the gate check stage 1 process for the Proposed Development on 24th August 2023. It was agreed that ECU would issue the Gate Check Report to the following consultees for comment:

- THC;
- Marine Directorate – Science, Evidence, Data and Digital (MD-SEDD);
- NatureScot;
- SEPA;
- HES;
- Scottish Forestry; and
- Transport Scotland.

5.3.3 ECU issued the Gate Check Report to the selected consultees on 5th September 2023 and requested that consultees responded by the 19th September 2023. NatureScot subsequently requested an extension to 3rd October 2023 to respond to the Gate Check Report, which was granted.

5.3.4 Consultation responses for the Gate Check Report were received from all consultees with the exception of THC. These consultations responses are included are summarised in **Volume 4, Appendix 5.4: Gate Check Matrix.**

Responses to Gate Check 1

5.3.5 There was general agreement from consultees in response to the Applicant's Gate Check Report regarding the scope of the EIA Report. However the Applicant did respond to NatureScot to provide clarification on some of the comments raised in their response to the Gate Check Report, as described below.

<u>NatureScot</u>

5.3.6 In November 2023, the Applicant issued a response to the NatureScot Gate Check response clarifying that the grid connection route through the Ness Woods SAC would be via an underground tunnel and over Dam 3. No additional land take would therefore be required within the Ness Woods SAC as a result of the grid connection for the Proposed Development.

5.3.7 The Applicant noted that NatureScot had indicated that they would welcome the opportunity of reviewing the draft River Moriston Shadow HRA prior to the Section 36 application being submitted. However, the Applicant advised that due to time constraints as a result of the deadline imposed by ECU for any Section 36 applications to be advertised this year needing to be received no later than 20th November 2023 (as described in **Volume 4, Appendix 5.5: Further Consultation with Consultees**), that there would be insufficient time for NatureScot to review and provide comment on the draft River Moriston Shadow HRA and for any meaningful changes to be made by the Applicant, in advance of the Section 36 submission.

5.3.8 The Applicant also provided further reasoning as to why undertaking a smolt tracking study is not considered feasible without the cooperation of other key stakeholders, nor proportionate to allow a robust assessment to be produced as part of this EIA Report (see **paragraph 5.2.14**).

Gate Check 2

5.3.9 The Applicant liaised with the ECU prior to submission of the application to ensure the administrative aspects of the application were agreed and in place prior to submission.

5.4 Further Consultation with Consultees

5.4.1 Introductory meetings to introduce the planning / case officer(s) to the project took place with the following consultees;

- SEPA – 9th November 2021;
- THC – 30th November 2021;
- ECU – 1st December 2021; and
- NatureScot – 24th March 2022.

5.4.2 A virtual Pre-Application Meeting with the ECU, THC, NatureScot and SEPA was held on 11th May 2022 to discuss the Proposed Development, providing the Applicant an opportunity to present the proposals to the Council, and seek advice on the acceptability of the project, and likely requirements and expectations for a future application. Following this meeting THC issued formal pre-application advice on 8th June 2022 (Ref: 22/00655/PREMAJ**.**

5.4.3 A design workshop hosted by THC took place on 24th May attended by ECU, THC, NatureScot, and SEPA, and a follow-up workshop was held on 27th July 2022 attended by ECU and THC, to provide an update on the project design, following the advice provided by consultees during the Pre-Application Meeting, the formal pre-application response, and the initial design workshop.

5.4.4 A briefing with THC took place due to an assignation of a new case officer for the project, followed by an update call with both THC and SEPA on 29th June 2023, followed by a further update call with SEPA on 14th July 2023.

5.4.5 Extensive communication with NatureScot has taken place during the course of survey, design and assessment of the Proposed Development, to discuss options to minimise any potential effects of the Proposed Development on the Ness Woods SAC. Some of this consultation is detailed in **Volume 4, Appendix 5.5: Further Consultation with Consultees**.

5.4.6 Communication with Ness DSFB to discuss options to improve conditions for migratory salmon in Loch Ness, particularly salmon associated with the River Morison SAC, and appropriate mitigation and/or compensatory measures that could be implemented to prevent the Proposed Development worsening conditions for salmon is ongoing. Some of the consultation that has been undertaken to date is detailed in **Volume 4, Appendix 5.5: Further Consultation with Consultees**. Further details are also provided in **paragraphs 5.2.9-5.2.15** of this Chapter.

5.4.7 Two meetings were held with the SEPA licensing team in relation to the CAR Licence for the Proposed Development on the 17th January 2022 and 20th June 2023. The CAR Licence application

was submitted by the Applicant on 23rd June 2023 and written feedback on the application was provided by SEPA on 13th September 2023 (via email).

5.4.8 The Applicant and the ECU case officer have had regular update calls throughout the planning process for the Proposed Development.

5.4.9 Consultation has also been undertaken with the Developer of the consented Red John PSH and SSE Renewables, who own and operate the existing Foyers PSH on Loch Ness, in relation to the management of the Loch Ness water level. Some of this consultation is detailed **Volume 4, Appendix 5.5: Further Consultation with Consultees**.

5.4.10 Further consultation has also taken place with the following consultees:

- ECU;
- THC;
- THC's EHO;
- NatureScot;
- SEPA (both licencing and planning);
- Scottish Canals;
- Forestry and Land Scotland (FLS);
- Highland Study Raptor Group;
- Ness District Salmon Fisheries Board; and
- Scottish Forestry.

5.4.11 This consultation is summarised in **Volume 4, Appendix 5.5: Further Consultation with Consultees**.

5.5 Consultation with the Local Community

5.5.1 A number of face-to-face public exhibitions were held locally at Scoping stage, at the following locations:

- Glenmoriston Millennium Hall, Invermoriston, Tuesday 30th November 2021, 1pm – 7.30pm;
- Fort Augustus Village Hall, Fort Augustus, Wednesday 1st December 2021, 1pm – 7.30pm; and
- The Wildside Centre, Whitebridge, Thursday 2nd December 2021, 1pm – 7.30pm.

5.5.2 A virtual public exhibition event, hosted via the project website (www.lochkempstorage.co.uk), was also held on Wednesday 8th December 2021, between 12pm – 2pm, and between 6pm - 8pm.

5.5.3 Further public exhibitions were held in December 2022 at the following locations :.

- Glenmoriston Millennium Hall, Invermoriston, Tuesday 6th December 2022, 1pm – 7.30pm;
- The Wildside Centre, Whitebridge, Wednesday 7th December 2021, 1pm – 7.30pm; and
- Fort Augustus Village Hall, Fort Augustus, Thursday 8th December 2021, 1pm – 7.30pm.

5.5.4 To ensure early public engagement about the Proposed Development, the Applicant undertook the following steps:

- Contacted Stratherrick and Foyers Community Council and Fort Augustus and Glenmoriston Community Council to invite them to the public exhibitions (as described above). Dores and Essich Community Council, Strathdearn Community Council and Strathnairn Community Council were also contacted;
- Councillor (Cllr) Balance, Cllr Crawford, Cllr Fraser, and Cllr Knox were all contacted and invited to the 2022 public exhibitions, but did not attend;
- The Inverness Chambers of Commerce advertised the 2022 public exhibition events on the w/c 5th December 2022;
- Over 400 leaflets were distributed in November 2021 and December 2022 to addresses within a 10 km buffer of the Site.
- Posters were displayed at the Public Exhibition venues, community notice boards and where possible at local amenities during the exhibitions in both 2021 and 2022;
- Adverts were placed in the public notice section of the Inverness Courier on the 12th and 19th November 2021 and on the 18th November and 5th December 2022. The Press and Journal ran coverage of the events in 2022; and
- A project website (www.lochkepmstorage.co.uk) was created and has been regularly updated with the latest notices, plans and information about public exhibitions.

5.5.5 Further details on consultation with the community is provided in **Volume 4, Appendix 5.6: Pre-application Consultation (PAC) Report.**

5.6 Issues Scoped Out of Assessment

Electromagnetic Interference (EMI) and Telecommunications

5.6.1 The Site of the Proposed Development is sparsely populated and there are no properties located within the Development Area. The Proposed Development would not represent a significant obstruction and it is not anticipated that any adverse effects on TV and/or radio reception would be experienced through physical obstruction to signals. The scoping responses from the Joint Radio Company (JRC) and British Telecoms (BT) confirmed that neither of these consultees have any concerns regarding this development in relation to their assets. Electromagnetic Interference (EMI) or other impacts to digital television, digital radio and FM radio reception has therefore been scoped out of the EIA Report.

Electromagnetic Fields (EMF)

5.6.2 Electromagnetic Fields (EMFs) arise from electric charges which are not anticipated by this type of development. EMFs are typically associated with infrastructure such as transmission lines. As such, an assessment of the likely significant effects of EMFs is therefore scoped out of the EIA Report.

Climate Change

5.6.3 With regard to climate change, in the context of the EIA process climate change is considered both in relation to the contribution of the Proposed Development to increasing or decreasing gaseous emissions with global warming potential (GWP), and in relation to climate change adaptation.

5.6.4 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. The potential impacts of vehicle emissions from the Proposed Development are assessed as part of **Chapter 18: Air Quality** of this EIA Report. 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.** 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**. It is therefore considered that a separate assessment of the contribution of the Proposed Development to increasing or decreasing gaseous emissions with GWP is not required as part of the EIA Report.

5.6.5 A further consideration in relation to climate change is the potential loss of habitats that are important for carbon capture and storage to accommodate the construction of the Proposed Development, such as woodland and peatland habitats. As noted above, 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.** However, the greatest loss of peatland habitats would be associated with the inundation of Loch Kemp once the Proposed Development is operational, which cannot be avoided through design**.** Loss of peatland habitats, both within and outside the inundation area, is assessed in **Chapter 10: Terrestrial Ecology.** 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)**).

5.6.6 Loss of woodland would also be required to accommodate the Proposed Development, particularly for the inundation area and the proposed powerhouse platform area (and associated access track). 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.

5.6.7 The Proposed Development 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[1].

5.6.8 In terms of climate adaptation, consideration has been given to the potential implications of climate change on design of the development (e.g., design for increased flood risk and adverse weather); however, no potential for significant impacts have been identified and therefore a separate assessment of climate change has been scoped out of the EIA Report.

Population and Human Health

5.6.9 The Proposed Development is located in a remote area with relatively few nearby residential receptors. There are no properties located within the Development Area of the Proposed Development. The closest residential receptors to the Proposed Development are the properties located on Dell Estate (who are party to the Application) and groups of properties located along the B862, in Whitebridge and Easter Drummond. The closest properties on the opposite side of Loch

[1] Scottish Government (2022). Policy: Climate Change. [online] Available at: https://www.gov.scot/policies/climate-change/ [Last accessed 7th August 2023].

Ness from the proposed powerhouse building are located approximately 2.2 km away. Fort Augustus, is the closest larger settlement to the Proposed Development and is located approximately 13 km southwest of the Site.

5.6.10 Potential effects relating to population and human health could arise from EMF, EMI, air quality, water quality, noise and / or vibration effects, light disturbance or visual effects. As stated in **paragarphs 5.6.1** and **5.6.2** of this Chapter, it is not anticipated that there would be any likely significant effects in relation to EMF or EMI as a result of the construction or operation of the Proposed Development and these topics have been scoped of the EIA Report. Other topics relating to potential effects relating to population and human health are addressed in the following sections of the EIA Report:

- Air Quality – See **Chapter 18: Air Quality**;
- Water Quality - See **Chapter 14: Geology, Soils and Water**;
- Noise and Vibration - See **Chapter 17: Noise and Vibration**;
- Light Disturbance; - **Paragraphs 5.6.18-5.6.24** of this Chapter;
- Visual Effects – See **Chapter 8: Landscape and Visual Impact Assessment**.

5.6.11 As potential effects on human health that are relevant to the Proposed Development are covered in the EIA Report, a separate assessment on Population and human Health is not included in the EIA Report.

Risk of Major Accidents and / or Disasters

5.6.12 Flood risk in the event of a dam failing would be the biggest risk of major accident and/or disaster associated with the Proposed Development. However, design and management of the Proposed Development would be required to comply with the Reservoirs (Scotland) Act 2011[2], following grant of consent and as such is scoped out of the EIA Report. Other potential flood risk impacts are considered in **Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of this EIA Report.

5.6.13 Peat probing has been undertaken to confirm the depth and condition of peat on-site and a PLHRA is included as **Volume 4, Appendix 14.2: Peat Landslide Hazard Risk Assessment**.

5.6.14 Given the nature of the Proposed Development, and its remote location, the risk of any other type of major accident and / or disaster is considered to be extremely low. Furthermore, the Principal Designer would need to fully assess risks and mitigate as appropriate during the design stage as part of the requirements of the Construction (Design and Management) Regulations (2015). An assessment of the risk of major accidents and / or disasters has therefore been scoped out of the EIA Report.

Material Assets

5.6.15 The Proposed Development would be located entirely on Dell Estate, which is managed for game hunting and deer stalking. Loch Kemp and the smaller lochans are used for fishing and are largely stocked with wild rainbow trout and / or wild brown trout. Dell Estate also offers clay pigeon

[2] Available at: https://www.legislation.gov.uk/asp/2011/9/contents [Last Accessed: 14/09/23]

shooting, walking routes and has a number of self-catering properties for let, including Dell Lodge. Highland sports, fishing and other recreational activities on the Estate would not be able to take place on or in the vicinity of Loch Kemp during construction of the Proposed Development.

5.6.16 Dell Estate also contains areas of commercial forestry. All woodland which would lie within the maximum inundation level of the Proposed Development, including the large area of plantation forestry within the Whitebridge Plantation to the southwest of Loch Kemp, would need to be permanently felled. A further area of commercial forestry within the Whitebridge Plantation near Easter Drummond would need to be temporarily felled to accommodate the main site establishment and staff accommodation area.

5.6.17 Most of the impacts on existing material assets would be temporary and limited to the construction phase of the Proposed Development only. Impacts on recreation resulting from the construction or operation of the Proposed Development are assessed as part of **Chapter 9: Land Use and Recreation**. There would be some permanent loss in woodland resulting from the construction of the Proposed Development, however loss of native woodlands is assessed as part of **Chapter 10: Terrestrial Ecology** and loss of commercial forestry is assessed as part of **Chapter 19: Forestry** of this EIA Report. C**hapter 15: Cultural Heritage** also includes an assessment of the potential for significant effects on cultural heritage assets, including archaeological assets and historic landscapes. A separate assessment of material assets has therefore been scoped out of the EIA Report.

Light Disturbance

5.6.18 As previously noted, the Proposed Development is located in a remote area with relatively few nearby sensitive receptors.

5.6.19 During the winter months, all work areas across the site would have temporary construction lighting at the start and end of the working day for surface works, with the exception of the tunnel portals, which would require temporary lighting when vehicle access is required to the underground operations. Vehicle access into / out of the tunnel portal outside of surface working hours would be minimised to limit the use of lighting during these hours and appropriate mitigation would be implemented to minimise illumination, glare or light spillage from these lights to nearby receptors. Lighting would also be directed away from the most sensitive habitats including woodland and waterbodies, wherever possible, to minimise light spill to adjacent habitats. Lighting would avoid specifications with a high UV component.

5.6.20 In the event of surface work being required outside of the surface working hours stated in **Section 3.13** of **Chapter 3: Description of Development**, temporary lighting would also be required in these areas and would be agreed with the Planning Authority in advance.

5.6.21 Further construction lighting details would be provided in the final CEMP to be prepared by the appointed Principal Contractor. An outline CEMP is provided as **Volume 4, Appendix 3.3: Outline Construction Environmental Management Plan.**

5.6.22 Once operational, with the exception of the powerhouse building, external lighting, including at the dams and upper reservoir inlet / outlet structure, would only be used during essential operational and maintenance activities. This would be subject to detailed design and in agreement with the Planning Authority.

5.6.23 Potential receptors to light disturbance during operation of the Proposed Development would be the properties on the western side of Loch Ness, which would be opposite the powerhouse building.

However, the closest property on this side of Loch Ness would be located approximately 2.2 km from the powerhouse building. Internal lighting within the powerhouse would predominantly be used during working hours, unless essential operational and maintenance activities were required outwith these hours. Any external lighting required at the powerhouse building would be designed to be discrete and minimise light pollution and would not be anticipated to cause disturbance to receptors on the opposite side of the loch.

5.6.24 Light disturbance to fauna during construction and operation is considered as part of **Chapter 10: Terrestrial Ecology, Chapter 11: Ornithology and Chapter 13: Fish,** as well as in the Shadow HRA in relation to otter (*Lutra lutra*), which is a qualifying feature of the Ness Woods SAC**.** The Shadow HRA has been submitted as a standalone document to support the Section 36 Application.

5.6.25 Following the implementation of these good practice measures, it is concluded that a standalone assessment of light disturbance is not required and has been scoped out of this EIA Report.

5.7 Other Issues

5.7.1 The 2017 EIA Regulations introduced several factors to be considered within an EIA Report; specifically, those factors listed under Regulations 4(3) and 4(4), and Schedule 4. **Table 5.1: Assessment of Factors Identified in Regulations 4(3), 4(4) and Schedule 4** describes how this EIA Report has addressed these factors.

Table 5.1: Assessment of Factors Identified in Regulations 4(3), 4(4) and Schedule 4

Topic	Potential for Significant Effects
Population and Human Health	Potential effects relating to population and human health on nearby receptors arising from EMF, EMI and light disturbance have been scoped out of further assessment, as detailed in **Section 5.6: Issues Scoped Out of Assessment** of this Chapter and are not considered further in this EIA Report. Potential effects relating to population and human health on nearby receptors arising from water quality, noise and visual effects are considered within the relevant Chapters of this EIA Report, as follows: • Air Quality – **Chapter 18: Air Quality**; • Water Quality – **Chapter 14: Geology, Soils and Water**; • Noise and Vibration – **Chapter 17: Noise and Vibration**; and • Visual Effects – **Chapter 8: Landscape and Visual Assessment**.
Biodiversity (species and habitats protected under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)	The requirement to consider effects on biodiversity is addressed in **Chapter 10: Terrestrial Ecology**, **Chapter 11: Ornithology**, **Chapter 12: Aquatic Ecology** and **Chapter 13: Fish** of this EIA Report.
Land and Soil (and natural resources availability)	Potential effects on land use (excluding forestry and woodlands) are considered in **Chapter 9: Land Use and Recreation** of this EIA Report.

	Potential effects on geological receptors, peat and groundwater resources are considered in **Chapter 14: Geology, Soils and Water** of this EIA Report. Potential effects on forestry and woodlands are considered in **Chapter 19: Forestry** of this EIA Report.
Water (and natural resource availability)	The potential effects on the water environment are considered in **Chapter 7: Water Management** and **Chapter 14: Geology, Soils and Water** of this EIA Report.
Air and Climate	Potential effects on air quality are considered in **Chapter 18: Air Quality** of this EIA Report. Potential effects on climate are described in **paragraphs 5.6.3-5.6.8** of this Chapter. A separate assessment on the impacts of the Proposed Development on Climate has been scoped out of further assessment, as it is sufficiently covered in the EIA Report through the following: • **Chapter 10: Terrestrial Ecology;** • **Chapter 18: Air Quality;** • **Chapter 19: Forestry;** • **Volume 4, Appendix 10.7: Outline Habitat Management Plan (non-SAC);** and • **Volume 4, Appendix 14.1: Peat Management Plan.**
Material Assets, Cultural Heritage	Potential effects on recreational facilities are considered in **Chapter 9: Land Use and Recreation** of this EIA Report. Potential effects on commercial forestry and woodlands are considered in **Chapter 19: Forestry** of this EIA Report. **Chapter 11: Cultural Heritage**, includes an assessment of the potential for significant effects on material assets and cultural heritage, including archaeological assets and historic landscapes.
Landscape	**Chapter 8: Landscape and Visual Impact Assessment** considers the potential effects of the Proposed Development on landscape.
Major Accidents and Disasters	Potential effects relating to major accidents and disasters, as discussed under **paragraphs 5.6.12-5.6.14** of this Chapter, have been scoped out of further assessment in this EIA Report.
Interaction Between Factors (cumulative effects)	The approach to cumulative effects is outlined within **Section 4.6: Cumulative Effects** of **Chapter 4: EIA Process and Methodology** of this EIA Report and is considered within each of the technical chapters (**Chapters 7-20**) where appropriate.