

Loch Kemp Storage - EIA Report

Appendix 5.1: Scoping Opinion

November 2023

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**The Scottish Government
Energy Consents Unit**

**Scoping Opinion On Behalf Of Scottish Ministers Under The
Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017**

**KEMP PUMP STORAGE SCHEME
STATERA ENERGY LIMITED**

21 October 2022

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1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Statera Energy Limited a company incorporated under the Companies Acts with company number 09840486 and having its registered office at 1st Floor, 145 Kensington Church Street London, W8 7LP (“the Company”) in response to a request dated 16 Dec 2021 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Kemp Pumped Storage Scheme (“the proposed Development”). The request was accompanied by a scoping report.

1.2 The proposed development would be located within the Dell estate, approximately 13 kilometres (“km”) to the north-east of Fort Augustus, The Highlands. The proposed development is to build and operate a new 300 MW pumped storage scheme utilising the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. To allow drawdown for storage, Loch Kemp would be raised by approximately 28 m from its existing 177 m elevation to approximately 205 m. Four new saddle dams between 15 – 30 m high and four minor cut off dams would be constructed around Loch Kemp to form the upper reservoir.

1.3 The principal components of the proposed Development would comprise:

- Dams and Upper Reservoir – Four new saddle dams between 15 – 30 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 feed an underground tunnel carrying water between the upper and lower reservoirs, through the powerhouse.
- Shaft Type Powerhouse– A series of powerhouse 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 and switchgear.
- Outlet Area - A tailrace structure would be located on the shore of Loch Ness integral with the Powerhouse. A jetty and administration building would also be located adjacent to the powerhouse.
- Access Tunnels- Tunnels would be provided for accessing the underground waterway system.
- Access Roads - Access roads would be provided for the construction of the Proposed Development and for operational and emergency access; and
- Rock Disposal - Most of the rock from the excavated tunnels and shafts would be removed via the shafts and tunnel portals near the powerhouse on the shore at Loch Ness. The 16 excavated rock from the underground works would be reused in a positive manner in the dams and localised area of construction works wherever feasible.

1.4 In addition to section 36 development there will be ancillary infrastructure including site establishment and laydown areas as well as a workers camp.

1.5 The Company indicates the proposed development would not have a fixed operational life assuming the proposed Development will be operational for 40 years or more. The effects associated with the construction phase can be considered to be representative of worst case decommissioning effects, and therefore no separate assessment is proposed as part of the Environmental Impact Assessment (“EIA”) Report.

1.6 The proposed development is solely within the planning authority of The Highland Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Statera Energy Limited and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 21 January 2022. The consultation closed on 18 February 2022. Extensions to this deadline were granted to NatureScot and the Royal Society For The Protection Of Birds (RSPB). The Scottish Ministers also requested responses from their internal advisors Transport Scotland, Scottish Forestry and Marine Scotland Science (MSS). All consultation responses received are attached in ANNEX A Consultation responses.

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the EIA report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the planning authority, statutory consultees and other public bodies.

2.4 No responses were received from- Ness & Beaulieu Fisheries Trust, Civil Aviation Authority – Airspace, The Crown Estate, Defence Infrastructure Organisation, John Muir Trust, Scottish Wildlife Trust, Scottish Rights of Way and Access Society (“ScotWays”), Scottish Wild Land Group (“SWLG”), Scottish Canoe Association, Visit Scotland, Scottish Wildlife Trust, and Fort Augustus and Glenmoriston Community Council.

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with The Highland Council, within whose area the proposed development would be situated, NatureScot (previously “SNH”), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 16 December 2021 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to The Highland Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in Annex A, and to comply with the information requirements of each consultee unless otherwise stated in this scoping opinion.

3.5 Scottish Ministers are broadly satisfied with the scope of the EIA set out at Sections 6 to 20 of the scoping report, subject to consultee comments..

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 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 (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there are 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.

3.8 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.

3.9 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.

3.10 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.

3.11 Ministers note and welcome the proposal to including a spoil management plan and would encourage use of spoil on site (eg 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.

3.12 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.

3.13 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.

3.14 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.

3.15 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.

3.16 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.

3.17 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 decided 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.

3.18 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.

4. Mitigation Measures

4.1 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. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section **36** consent for the proposed development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development once an application is submitted.

5.7 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.

5.8 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

Shafharia Khataza
Energy Consents Unit
21 October 2022

ANNEX A

Consultation

List of consultees

- The Highland Council
- SEPA
- NatureScot
- Historic Environment Scotland
- BT
- Civil Aviation Authority – Airspace*
- Defence Infrastructure Organisation*
- Fisheries Management Scotland
- Ness & Beaulieu Fisheries Trust*
- Ness DSFB
- Fort Augustus and Glenmoriston Community Council*
- Highlands and Islands Airport
- John Muir Trust*
- Joint Radio Company
- Mountaineering Council of Scotland
- NATS Safeguarding
- RSPB Scotland
- Scottish Canals
- Scottish Canoe Association*
- Scottish Rights of Way and Access Society (ScotWays)*
- Scottish Water
- Scottish Wild Land Group (SWLG)*
- Scottish Wildlife Trust*
- Stratherrick and Foyers Community Council
- The Crown Estate*
- Visit Scotland *

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Scotland

*No response was received.

Statera Energy Limited
c/o Scottish Government
Per: Lee Crosbie
Energy Consents & Development Unit
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Please ask for/Foighnich airson: Simon Hindson
Direct Dial/Àireamh fòn: 01463 785047
OurRef/Ur n-àireamh-iùil: 22/00300/SCOP
Your Ref/Ar n-àireamh-iùil:
Date/Ceann-là: 11 March 2022

By email only to econsents_admin@gov.scot
Jennifer Skrynka JSkrynka@ashglasgow.com

Dear Lee,

OPERATE A NEW 300 MW PUMPED STORAGE SCHEME UTILISING 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 FROM ITS EXISTING 177 M. FOUR NEW SADDLE DAMS AND FOUR MINOR CUT OFF DAMS WOULD BE CONSTRUCTED AROUND LOCH KEMP TO FORM THE UPPER RESERVOIR. A NEW SHAFT TYPE POWERHOUSE WOULD BE CONSTRUCTED ON THE SHORE OF LOCH NESS, WITH INTEGRAL TAILRACE ARRANGEMENT WITH FISH SCREENS CONNECTING THE SYSTEM TO LOCH NESS. THE SCHEME WOULD UTILISE AN UNDERGROUND TUNNELLED WATERWAY SYSTEM TO LINK BETWEEN THE INTAKE ON LOCH KEMP AND THE POWERHOUSE AT LOCH NESS, WITH THE POTENTIAL INCLUSION OF A SURGE SHAFT (WITH ASSOCIATED ACCESS) ON THE HILLTOP BETWEEN LOCH KEMP AND LOCH NESS.

LOCATION: LAND 1300M SW OF DELL LODGE, WHITEBRIDGE,

Thank you for consulting The Highland Council (THC) for a Scoping Opinion for the above project and for the extension of time until 11 March 2022 for submitting our response.

Our view on the scope of the assessment may be subject to change on a number of topics within the EIAR if the scale of development, in terms of the number and height of turbines, changes.

In the event that, the application changes in scale to a level which would be considered as an application under the Town and Country Planning (Scotland) Act 1997 (As Amended), we would require a revised scoping response under the relevant regulations.

This letter constitutes THC's response to the consultation. We trust that this helps inform the scope of the Environmental Impact Assessment Report and is helpful to the applicant when formalising any forthcoming application.

Yours faithfully

Simon Hindson
Team Leader - Strategic Projects

SCOPING CONSULTATION RESPONSE

Applicant:	Statera Energy Limited
Project:	Loch Kemp Pumped Hydroelectric Storage Scheme - Operate a new 300 MW pumped storage scheme utilising 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 from its existing 177 m. Four new saddle dams and four minor cut off dams would be constructed around Loch Kemp to form the upper reservoir. A new shaft type powerhouse would be constructed on the shore of Loch Ness, with integral tailrace arrangement with fish screens connecting the system to Loch Ness. The scheme would utilise an underground tunnelled waterway system to link between the intake on Loch Kemp and the powerhouse at Loch Ness, with the potential inclusion of a surge shaft (with associated access) on the hilltop between Loch Kemp and Loch Ness.
Project Address:	Land 1300M SW Of Dell Lodgem Whitebridge
Our Reference	22/00300/SCOP

This response is given without prejudice to the Planning Authority's right to request additional information in connection with any statement, whether Environmental Impact Assessment Report (EIAR) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and decision on any consultation on an application received by The Highland Council (THC).

THC request that any EIAR submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Scoping Report. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

Responses to the internal consultation undertaken are attached. Should any further responses be received from internal consultees, these will be forwarded on in due course.

1.0 Description of the Development

1.1 The description of development for an EIAR is often much more than would be set out in any planning application. An EIAR must include:

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e. connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied;
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the

operation of the development; and

- the estimated cumulative impact of the project with other consented or operation development.

2.0 **Alternatives**

2.1 A statement is required which outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight the following:

- the range of technologies that may have been considered;
- locational criteria and economic parameters used in the initial site selection;
- options for access;
- design and locational options for all elements of the proposed development (including grid connection); and
- the environmental effects of the different options examined.

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings.

It is considered that alternatives in terms of scale and design should be fully assessed through the Environmental Impact Assessment Report. This should consider the range of development scales considered and the EIAR should assess the worst case scenario.

3.0 **Environmental Elements Affected**

3.1 The EIAR must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. There are a number of other developments in the area and you are encouraged to use your understanding of these in assessing your development and the potential for cumulative effects to arise. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded.

Land Use and Policy

3.2 The EIAR should recognise the existing land uses affected by the development having particular regard for THC's Development Plan inclusive of all statutorily adopted Supplementary Guidance (SG). Particular attention should be paid to the provisions of the Landscape Sensitivity Appraisal which forms part of the onshore wind energy supplementary guidance. While not a wind farm, the landscape sensitivity appraisal provides clear guidance on the key sensitive receptors in the area. This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at Scottish Planning Policy and Planning Advice Notes which identify the issues that should be taken into account when considering significant development. Scottish Government policy and guidance on renewable energy should be considered in this section. The purpose of this chapter is to highlight relevant policies not to assess the compatibility of the proposal with policy.

3.3 The EIA / application Planning Statement should recognise progress with **National Planning Framework 4 (NPF4)** and the Council's response to it. As part of early engagement for the preparation of NPF4, the Scottish Government undertook a Call for Ideas and the Highland Council made submissions to this. Subsequently the Economy and Infrastructure Committee was asked on 1 July 2020 to homologate those responses and Committee agreed to do so. The Scottish Government published draft NPF4 in November 2021. The applicant should respond to this through the Planning Statement or respond to any updated NPF4 position as it relates to the application depending on the timescale for submission of the application noting out understanding that it will be adopted

by the time of submission of the application. This is particularly relevant due to NPF4 becoming part of the development plan once adopted by Ministers. Similarly, the **Inner Moray Firth Local Development Plan** forms part of the approved development plan. This sets confirms the boundaries of the Special Landscape Areas and identifies settlements in the area. Other statutorily adopted supplementary guidance, as set out on the Council website, will also require to be considered. The IMFLDP is under review with the proposed plan schedule to be published at the end of March 2022.

Sustainability

- 3.5 The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials and minimising environmental impacts of development. A Sustainable Design Statement is required. PSH projects produce a sustainable form of energy but the energy drawn to power the scheme may not be depending on the mix of energy in the grid at the time. However, the Council will need to be satisfied in reaching a conclusion on any consultation or application that the development in its entirety is in fact sustainable development. In order for us to do so we recommend that matters related to the three pillars of sustainable development are fully assessed in the information which supports the application. The development needs to be considering the provision of energy systems within the holistic demand cycle of the network. The developer needs to consider the impact of the installation and the prospective long-term use of the energy to accommodate the requirements of a decarbonised energy provision for Scotland and the Highlands. The application should include a statement on how the development is likely to contribute to the Scottish Government Energy Efficient Scotland roadmap and provide the Highlands with secure and clean electricity supplies.
- 3.6 The developer should also consider the potential for generation of alternative fuels as part of the development. Consideration to be given to an element of local use of the energy and particular use of Hydrogen generation if there is an opportunity in the development for redundancy supply profiles. The Council also encourage the inclusion of electric car charging facilities within all new developments. A strategy for the provision of charging points within the development should be submitted with the application.

Landscape and Visual

- 3.7 The Council expects the EIAR to consider the landscape and visual impact of the development. The Council makes a distinction between the two. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The focal lengths required are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint. These images should form part of the EIAR and not be separate from it. Photomontages should follow the Council's Visualisation Standards:

https://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

- 3.8 Separate volumes of visualisations should be prepared to both Highland Council Standards and NatureScot guidance. These should be provided in hard copy. It would be beneficial for THC's volume to be provided in a **A3 ring bound folder** for ease of use. Further we recommend that the applicant seeks to agree locations from which the Council's Panoramic Viewer could usefully be utilised to illustrate cumulative effects. We

are happy to provide advice on this matter going forward. All existing turbines and proposed wind farms and proposed pumped storage hydro schemes should re-rendered to ensure consistency.

- 3.9 This assessment should include the expected impact of all aspects of the development including any borrow pits, tracks, cable routes, lochside infrastructure and landscaping. This is despite the fact that the principal structures will be a primary concern. In addition given the proposal will involve significant reprofiling of the site and surrounds, we require montages at different stages to consider the impacts of the proposal and any landscaping given the likely prolonged construction period and time required for landscaping to establish. We would recommend that montages are produced for the year 1 of the construction process, year 3 of the construction process, completion of construction and at year 1, 7 and 10 post completion. All elements of a development are important to consider within any EIAR.
- 3.10 We consider that the study area for cumulative and solus effects should be extended to 10km from the outermost elements of the scheme and consider that the assessment of landscape and visual impact should be completed in full across the entire study area. THC do not consider it to be acceptable to screen out viewpoints for a full assessment based upon distance.
- 3.11 There are a number of similar applications in this area. While we agree with the list of projects identified for inclusion in the cumulative assessment, we consider this should be expanded to include wind energy development in the study areas as well as they have an influence on receptors in the area. We are happy to advise on the cumulative baseline in due course. Our interactive Wind Turbine map is up to date as of 01 January 2022 and can be accessed on the link below:
<http://highland.gov.uk/windmap>
 The Energy Consents Unit may also be able to provide details of any other known nearby proposal which are currently at Scoping Stage as these may have advanced at the same pace as your proposal.
- 3.12 The finalised list of Viewpoints (VP) and wireframes for the assessment of effects of a proposed development must be agreed in advance of preparation of any visuals with THC. At present the list of viewpoints have been promoted and it is suggested only two of these would be chosen. However, it is considered that all of those should be included in the LVIA. We would welcome a drawing showing the locations proposed for each of these viewpoints and as set out above we would seek that we are provided with visuals at different stages of constructions and integration of mitigation. We request that the final list of viewpoints and visualisations are agreed with the Council prior to submission of the application. We would also request that a further viewpoint is provided in vicinity of Invermoriston.
- 3.13 We acknowledge that there will be some micro-siting of the viewpoints to avoid intervening screening of vegetation boundary treatments etc. We would recommend that the photographer has in their mind whether the VP is representative or specific and also who the receptors are when they are taking the photos it would be helpful. We have also found that if the photographer has a 3D model on a laptop when they go out on site it helps the orientation of the photography.
- 3.14 Community Council's may request additional viewpoints and it would be recommended that any pre-application discussions with the local community, and associated reporting on consultation undertaken, take this into account.
- 3.15 The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. For example, it should be clear that the VP has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for

assessment of impact on designated sites, communities or individual properties.

- 3.16 Further the LVIA Chapter of the EIAR should clearly set out the methodology including:
- Definitions of each point on the scale of magnitude of change which is used by the applicant in reaching a conclusion on the magnitude of change;
 - Definitions of each point on the scale of sensitivity of receptor which is used by the applicant in reaching a conclusion on the sensitivity of receptor;
 - The threshold to which the applicant considers a significant effect is reached;
 - A clear matrix approach supported by descriptive text setting out how the applicant reaches their conclusion of effect on landscape character, designated landscapes, visual receptors and residential amenity.
- 3.17 When assessing the impact on recreational routes please ensure that all core paths, the national cycle network, long distance trails are assessed. It should be noted that these routes are used by a range of receptors.
- 3.18 Given the cumulative impact of renewable energy in this area it is expected that the applicant should present images for presentation within the Panoramic Digital Viewer deployed by the Council – see visualisation standards document. To view current or determined schemes in the Council’s Panoramic Viewer please see the link below: <http://www.highland.gov.uk/panoramicviewer>
- 3.19 We expect an assessment of the proposal against the criterion set out in the Council’s OWESG to be included within the LVIA chapter of the EIAR.
- 3.20 Given the scale of the proposals there may be and impact on the Loch Ness and Duntelchaig Special Landscape Area. Assessment of the proposal against impacts on this designation must be undertaken.
- 3.21 It is considered that Residential Visual Amenity should not be scoped out of the EIAR.

Geology, Hydrology and Hydrogeology

- 3.22 The EIAR should include a full assessment on the impact of the development on peat. The assessment of the impact on peat must include peat probing for all areas where development is proposed. The Council are of the view this should include probing not just at the point of infrastructure as proposed by the scheme but also covering the areas of ground which would be subject to micro-siting limits.
- 3.23 SEPA can provide detailed advice on methodology for peat probing and the peat assessment.
- 3.24 Carbon balance calculations should be undertaken and included within the EIAR with a summary of the results provided focussing on the carbon payback period for the development.
- 3.25 The EIAR should fully describe the likely significant effects of the development on the local geology including aspects such as borrow pits, earthworks, site restoration and the soil generally including direct effects and any indirect. Proposals should demonstrate construction practices that help to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. Where borrow pits are proposed the EIAR should include information regarding the location, size and nature of these borrow pits including information on the depth of the borrow pit floor and the borrow pit final reinstated profile. This can avoid the need for further applications.
- 3.26 The EIAR needs to address the nature of the hydrology and hydrogeology of the site, and of the potential impacts on water courses, water supplies including private supplies, water quality, water quantity and on aquatic flora and fauna. Impacts on watercourses, lochs, groundwater, other water features and sensitive receptors, such as water supplies, need

to be assessed. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans. Assessment will need to recognise periods of high rainfall which will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. You are strongly advised at an early stage to consult SEPA as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify if a CAR license is necessary and the extent of the information required by SEPA to assess any license application.

- 3.27 If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a general presumption against modification, diversion or culverting of watercourses. Schemes should be designed to avoid crossing watercourses, and to bridge watercourses where this cannot be avoided. The EIA will be expected to identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into account factors including catchment size (resultant flows), natural habitat and environmental concerns. Further guidance on the design and implementation of crossings can be found on SEPA's Construction of River Crossings Good Practice Guide.
- 3.27 The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The EIA should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided.
- 3.28 The applicant will be required to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development and to submit details of the measures proposed to prevent contamination or physical disruption. Highland Council has some information on known supplies but it is not definitive. An on-site survey will be required.
- 3.29 It is anticipated that detailed comments will be provided on impacts on the water environment, in particular on water levels in Loch Ness, by SEPA. However, it is noted in Chapter 6 of the Scoping Report that the operator of Red John PSH has not been listed as being subject to discussion on water management. It is considered they should be part of the discussion as it is a scheme with an extant consent.
- 3.30 The Council's Flood Risk Management Team have set out that the application should include a Flood Risk Assessment and Drainage Impact Assessment.
- 3.31 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 the determining authority 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.

Ecology and Ornithology

- 3.32 The EIA should provide a baseline survey of the bird and animals (mammals, reptiles, amphibians, etc) interest on site. It needs to be categorically established which species are present on the site, and where, before a future application is submitted. Further the EIA should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or

UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed, particularly in respect to blanket bog, in the contexts of both biodiversity conservation. Details of any habitat enhancement programme (such as native- tree planting, stock exclusion, etc) for the proposed site should be provided. It is expected that the EIAR will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

- 3.33 The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the planning application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Please refer to the comments of NatureScot and RSPB in this respect.
- 3.34 The EIAR should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. NatureScot can also provide specific advice in respect of the designated site boundaries for SACs and SPAs and on protected species and habitats within those sites. The potential impact of the development proposals on other designated areas such as SSSI's should be carefully and thoroughly considered and, where possible, appropriate mitigation measures outlined in the EIAR. NatureScot provide advice on the impact on designated sites.
- 3.35 If wild deer are present or will use the site an assessment of the potential impact on deer will be required. This should address deer welfare, habitats and other interests.
- 3.46 The EIAR needs to address the aquatic interests within local watercourses, including down stream interests that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. The EIAR should evidence consultation input from the local fishery board(s) where relevant.
- 3.37 Further advice has been provided by NatureScot on ecology and ornithology in relation to the surveys required.
- 3.38 The EIAR should include an assessment of the effects on Ground Water Dependent Terrestrial Ecosystems (GWDTE). Please contact SEPA for detailed advice.
- 3.39 Given the proposals potential impact on European designated sites, it is envisaged that a HRA should accompany the application. Sufficient information will be required to allow Scottish Ministers to come to a view on the impact on the integrity of the designated site. NatureScot will provide information in this regard.

Cultural Heritage

- 3.40 The EIAR needs to identify all designated sites which may be affected by the development either directly or indirectly. This will require you to identify:
- the architectural heritage (Conservation Areas, Listed Buildings);
 - the archaeological heritage (Scheduled Monuments);
 - the landscape (including designations such as National Parks, National Scenic Areas, Areas of Great Landscape Value, Gardens and Designed Landscapes and general setting of the development; and
 - the inter-relationship between the above factors.

- 3.41 We would expect any assessment to contain a full appreciation of the setting of these historic environment assets and the likely impact on their settings. It would be helpful if, where the assessment finds that significant impacts are likely, appropriate visualisations such as photomontage and wireframe views of the development in relation to the sites and their settings could be provided. Visualisations illustrating views both from the asset towards the proposed development and views towards the asset with the development in the background would be helpful.
- 3.42 Historic Environment Scotland (HES) will set out the potential impacts on the setting of assets require consideration.
- 3.43 The Council's Historic Environment Team are generally satisfied with the information presented in the scoping request. It considers the methodology acceptable but note that the assessment must consider potential impacts to upstanding features as well as potential for buried features and deposits. It request that where impacts are unavoidable mitigation will be required to be set out in detail. In regard to the specific questions, the HET are not aware of any additional consultees in the area and do not wish to nominate any additional key receptors in this instance.
- 3.44 There are a large number of heritage assets in the vicinity of the development, these need to be assessed. HES and HET may provided detailed advice on potential setting impacts.

Noise

Operational Noise

- 3.45 The applicant will be required to submit a noise assessment with regard to the operational phase of the development. The assessment should be carried out in accordance with good practice.

Cumulative Noise

- 3.46 The noise assessment must take into account the potential cumulative effect from any other existing or consented. Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must take into account predicted and consented levels from such developments. The applicant should agree appropriate limits with the Council's Environmental Health Officer.
- 3.47 The assessment should include a map showing developments which may have a cumulative impact and all noise sensitive properties including any for which a financial involvement relaxation is being claimed. The assessment should include a table of figures which includes the following:
- The predicted levels from this development based at each noise sensitive location (NSL)
 - The maximum levels based on consented limits from each existing or consented development at each NSL. If any reduction is made for controlling property or another reason, this should be made clear.
 - The predicted levels from each development at each NSL.
 - The cumulative levels based on consented and predicted levels at each NSL.

The assessment should also include a mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

Noise Exposure

- 3.48 When assessing the cumulative impact, consideration must be given to any increase in exposure time. Regardless of whether cumulative levels can meet relevant criteria, if a noise sensitive property subsequently becomes affected by noise from more than one direction this could result in a significant loss of respite.

Background Noise Measurements

- 3.49 If background noise surveys are required, these should be undertaken in accordance with good practice guidance. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring locations is to be used as a proxy location for another property, particular care must be taken to ensure it is not affected by other noise sources such as boiler flues, wind chimes, etc. which are not present at that other property.
- 3.50 Difficulties can arise where a location is already subject to noise from an existing development.
- 3.51 It is recommended that the developer's noise consultant liaises with Environmental Health at an early stage to discuss any issues regarding the proposed methodology.

Construction Noise and Vibration

- 3.52 Given the location, construction noise and vibration may be an issue at sensitive properties. Further, consideration will need to be given to construction traffic and a construction noise assessment will be required alongside the application.
- 3.53 Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment. A construction noise assessment will be required in the following circumstances:
- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm; or
 - Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months).
- 3.54 If an assessment is submitted it should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Details of any mitigation measures should be provided including proposed hours of operation.
- 3.55 Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Attention should be given to construction traffic and the use of tonal reversing alarms.

Traffic and Transport

- 3.56 THC's Transport Planning Team have reviewed the content of Scoping Report for their response, prepared on their behalf by WSP and attached for information, relates to impacts on the local public road network in Highland. Transport Planning advise that feedback should also be obtained from Transport Scotland on their requirements for the public road they manage. The attached response sets out impacts and potential mitigation measures and should be read as an integral part of this scoping response. Below is more generic guidance in relation to transportation and traffic measures.

Construction Traffic Management Plan

3.57 THC Transport Planning will require any application for planning permission associated with this proposal to submit a Construction Traffic Management Plan (CTMP) for the approval of the Planning Authority. A CTMP will normally detail the following issues, however this is not an exhaustive list and the CTMP should be tailored to reflect the issues pertinent to this development:

- Identification of all Council maintained roads likely to be affected by the various stages of the development,
- Predicted volume, type and duration of construction traffic.
- Location of site compound, staff parking and visitor parking.
- Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads.
- Details of any traffic management signage required for the duration of the construction period.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.
- If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.

Transport Assessment

3.58 THC Transport Planning would generally expect a Transport Assessment to be submitted with any future planning application and a **High National Traffic Forecast** be applied. The information below is not exhaustive and should be used as a guide to submitting all relevant information in relation to roads, traffic and transportation matters arising from the development proposals, which should be in the form of a Transport Assessment forming part of the EIAR:

1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, having been investigated in order to establish their feasibility. This should clearly identify the pros and cons of all the route options and therefore provide a logical selection process to arrive at a preferred route.
2. Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:
 - Assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as required.

- Road surface condition and profile.
 - Assessment of structures and any weight restrictions
 - Road widths, vertical and horizontal alignment and provision of passing places
 - Details of adjacent communities
3. Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including
 - Nos. of light and heavy vehicles including staff travel
 - Abnormal loads
 - Duration of works
 4. Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.
 5. Impacts of proposed traffic including:
 - Impacts on carriageway, structures, verges etc.
 - Impacts on other road users
 - Impacts on adjacent communities
 - Swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic
 - Provision of Trial Runs to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation.
 6. Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects.
 7. Proposed mitigation measures to address impacts identified in 5 above, including:
 - Carriageway strengthening
 - Strengthening of bridges and culverts
 - Carriageway widening and/or edge strengthening
 - Provision of passing places
 - Road safety measures
 - Traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.
 8. Details of residual effects.

The scope of effects on the Trunk Road Network should be considered following consultation with Transport Scotland.

Socio-Economic, Tourism and Recreation

3.59

The EIAR should estimate who may be affected by the development, in all or in part, which may required individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc. The application should include relevant economic information connected with the project, including the potential number of jobs, and

economic activity associated with the procurement, construction, operation and decommissioning of the development.

- 3.60 Estimations of who may be affected by the development, in all or in part, which may required individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc should be included. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development. In this regard wind farm development experience in this location should be used to help set the basis of likely impact. This should set out the impact on the regional and local economy, not just the national economy. Any mitigation proposed should also address impacts on the regional and local economy.
- 3.61 The site is on land with access rights provided by the Land Reform Scotland Act. The potential impact on and mitigation for public access should be assessed incorporating core paths, public rights of way, long distance routes, other paths and wider access rights across the site. There are core paths and public rights of way in this area which are likely to be affected during construction and operational phases.
- 3.62 An Access Management Plan is required to be submitted with the application. A developments impact on public access is habitually included in this section. Guidance on assessing that impact as part of an EIA in Appendix 6 of this document:
<https://www.nature.scot/sites/default/files/2018-05/Publication%202018%20-%20Environmental%20Impact%20Assessment%20Handbook%20V5.pdf>
 This must consider the construction and operational impacts of the proposed development and how these will be managed. Further the Access Officer has requested that the EIA considers the NatureScot Guidance on assessing a developments impact on public access.
- 3.63 While the Scoping Report and an eventual EIA may include impacts on elements of outdoor access assessed under other headings it is considered that all the impacts on outdoor access should all be brought together here in a comprehensive assessment of the proposals visual and physical impacts on outdoor access during the preparatory, construction, operational and post-operational phases. Those impacts, along with the mitigation measures, will inform an Outdoor or Access Management Plan which should be submitted with an application as per the requirements of HwLDP Policy 77 Outdoor Access. If not, it the Council will ask for a suspensive condition requiring that one be submitted to and approved in writing by the Planning Authority prior to any work starting on site.
- 3.64 Considering the potential for this proposal to have significant negative visual and physical impacts on many forms of outdoor access across all phases of the development it is recommend a similarly significant range of mitigation measures.
- 3.65 Other forms of mitigation will include the accommodation and management of public access across the site in order to minimise any potential negative impacts and maximise benefits to outdoor access. For example, all existing paths like core paths, public rights of way Long Distance Routes and trails like the Great Glen Way, Great Glen Canoe Trail and National Cycle Network should be accommodated before, during and after construction and any damage done to their surfaces be protected and/or repaired at regular intervals throughout an extended construction period and reinstated on or by completion of the project to the satisfaction of those managing those routes.

Aviation, Radar and Telecoms

- 3.66 The EIAR needs to recognise community assets that are currently in operation for example TV, radio, tele-communication links, aviation interests including radar, MOD

safeguards, etc. In this regard the applicant, when submitting a future application, will need to demonstrate what interests they have identified and the outcomes of any consultations with relevant authorities such as Ofcom, NATS, BAA, CAA, MOD, Highlands and Islands Airports Ltd, etc. through the provision of written evidence of concluded discussions / agreed outcomes. We consider the results of these surveys should be contained within the EIAR to determine whether any suspensive conditions are required in relation to such issues.

- 3.67 There should be continued dialogue with HIAL over the impact on the radar at airports in the area and the information gathered through the original application and the approach to satisfaction of conditions should be utilised here.
- 3.68 If there are no predicted effects on communication links as a result of the development, the EIAR should still address this matter by explaining how this conclusion was reached.

Miscellaneous: Health and Safety and Forestry

- 3.69 The EIAR needs to address all relevant climatic factors which can greatly influence the impact range of many of the preceding factors on account of seasonal changes affecting, rainfall, sunlight, prevailing wind direction etc. From this base data information on the expected impacts of any development can then be founded recognising likely impacts for each phases of development including construction, operation and decommissioning. Issues such as dust, air borne pollution and / or vapours, noise, light, shadow-flicker can then be highlighted. Consideration must also be given to the potential health and safety risks associated with lightning strikes and ice throw given the proximity of recreational routes through the site.
- 3.70 Depending on the proximity of the working area to any houses etc. the applicant may require to submit a scheme for the suppression of dust during construction. Particular attention should be paid to construction traffic movements and routing.
- 3.71 A number of the aforementioned matters could be addressed by a CEMD for the proposal. While acceptable in principle we would request that an Outline CEMD is included with the application.

Forestry

- 3.72 The site itself will effect tree cover and woodland management. It is considered there may be alterations required from any approved forest management plan and compensatory planting scheme for the approved scheme as a result of the modifications to the scheme. *Any felling required will be taken into account in calculating the carbon balance of the Proposed Development, and consideration will be given to any required replanting under the Scottish Government's Policy on Control of Woodland Removal.'*
- 3.73 It is advised that a specific chapter on forestry is included in the EIAR where there is likely to be an adverse impact on woodland. The EIAR should provide a baseline survey of the plants (including fungi, lichens and bryophytes) and trees present on the site to determine the presence of any rare or threatened species. The EIAR should indicate areas of woodland / forestry plantation which may be felled to accommodate new development (including the access), including any off site works / mitigation. Compensatory woodland is a clear expectation of any proposals for felling, and thereby such mitigation needs to be considered within any assessment.
- 3.74 If trees are to be removed, compliance with the Scottish Government's Control of Woodland Removal Policy must be demonstrated. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described. Consideration must be given to the full area required for the construction access road through trees / woodlands and the impacts on these identified. Any areas of woodland listed in the Ancient Woodland Inventory should be safeguarded from adverse impacts. Further as part of habitat management proposals and to offset the carbon of the construction process, it is considered that areas of woodland should be

planted.

4.0 Significant Effects on the Environment

4.1 Leading from the assessment of the environmental elements the EIAR needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;
- the use of natural resources; and
- the emission of pollutants, the creation of nuisances and the elimination of waste.

4.2 The potential significant effects of development must have regard to:

- the extent of the impact (geographical area and size of the affected population);
- the trans-frontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact; and
- the duration, frequency and reversibility of the impact.

4.3 The effects of development upon baseline data should be provided in clear summary points.

4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative or strong negative.

4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reducing and where possible offset any significant adverse effects on the environment must be set out within the EIAR statement and be followed through within the application for development.

5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently the EIAR should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP) which in turn will set the framework for individual Construction Method Statements (CMS). Further guidance can be obtained at:

http://www.highland.gov.uk/NR/rdonlyres/485C70FB-98A7-4F77-8D6B-ED5ACC7409C0/0/construction_environmental_management_22122010.pdf

This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.

5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the EIAR or supporting information accompanying a planning application exactly which

groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.

If you would like to discuss this scoping consultation response please contact me using the details at the top of this letter.

Yours sincerely,

Simon Hindson

Team Leader - Strategic Projects Team



Our Ref: 4168
Your Ref: ECU00003398

Lee Crosbie
Energy Consents Unit

SEPA Email Contact:
planning.north@sepa.org.uk

By email only to Econsents_Admin@gov.scot

1 March 2022

Dear Mr Crosbie

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Loch Kemp Pumped Storage Hydro

Thank you for your consultation which was received by SEPA on 7 February 2022 in relation to EIA scoping of the above application.

Advice for the determining authority

We have had useful early engagement with the developer which we hope will continue as the project develops. Our generic scoping and pre-application advice is provided in the appendix to this letter with more site-specific advice below.

As usually we would very much welcome early engagement on the habitat and peat survey work to ensure it informs the layout. In addition, spoil management is going to be a very significant issue for the project and we would very much welcome consultation on the draft spoil management plan and any related reuse options.

1. Site specific pre-application and scoping advice

1.1 In relation to section 1 of the attached Appendix (site layout):

- For a development of this scale it is especially important to ensure that detailed layout plans submitted at the application stage are provided for all elements of the development. The plans submitted with the application must detail all the temporary or ancillary works such as laydown areas, rock and peat storage areas and site

compounds, which we presume will be extensive for a development of this size. The application submission should include plans which show above and below ground infrastructure separately.

- The developer should investigate opportunities to work with other local developers to share supporting infrastructure (such as laydown areas, overflow car parks and support facilities) and to find genuine uses for excavated waste materials.
- The final layout should make as much use as possible of existing infrastructure such as existing tracks, where it makes sense to do so.

1.2 In relation to section 2 of the attached Appendix (CAR requirements) and Section 3 and 6 of the scoping report:

- We are aware of the following invasive non-native species in the Ness catchment - Flatworm (*Phagocata woodworthi*), Freshwater shrimp (*Crangonyx pseudogracilis*) and Nuttall's Waterweed (*Elodea Nuttallii*). The assessment should determine whether the species are already present in the Loch Kemp system and if they are not measures should be outlined to stop the spread.
- Consideration may also need to be given to whether the development will result in an effect on salmon smolt movement from Loch Dochfour into the River Ness, as issue SEPA is currently considering. This can be discussed further as part of CAR pre-application discussions.
- The assessment should include information on the morphological impact on Loch Kemp.

1.3 In relation to section 3 of the attached Appendix (other water impacts):

- Due to the steep slopes and potential for pollution there needs to be a significant buffer between the track down to the outlet and the All a'Chinn Mhoraich. Areas of existing track that cannot be used should be identified for restoration.
- Detailed drawing of the potential pier or loading area in Loch Ness should be provided accompanied by an assessment of effects on the water body.

1.4 In relation to section 4 of the attached Appendix (peat) and section 13 of the scoping report:

- We can confirm that a Peat Management Plan will be required for this development.
- All excavated peat must be reused on site with permanent storage or disposal not being acceptable.
- Disturbance of peat should be minimised and the final submission should include a plan showing the extent of disturbed area. The area of peatland disturbed (including due to maximum inundation and the effects of inundation due to erosion on the surrounding peat) should be confirmed. Information should be provided on how areas of disturbed and undisturbed peat within the inundation area will be managed so that carbon loss is reduced.

- Floating track should be used to reduce the volume of excavated peat and should be shown on a clear plan.
 - The Plan should include proposals for peatland restoration works on the site as mitigation for peat habitat loss, including for example, restoration of any redundant tracks or historic peat cuttings. Such works could also help compensate for loss of GWDTE. We encourage the applicant to go beyond the minimum restoration area to compensate for the lost peat and habitat area; this is to allow a margin for uncertainty about how well the modified bog will respond to the restoration, and beyond that, enhancement as a gain for the environment.
- 1.5 In relation to section 5 (GWDTE) and section 9 of the scoping report we are generally content with the habitat survey proposals outlined. We would welcome further engagement once the NVC survey work has been carried out.
- 1.6 In relation to section 8 of the attached appendix (borrow pits) and rock and overburden excavation generally as outlined in section 13 and elsewhere in scoping report:
- We welcome the proposal to include a spoil management plan. This should include information in relation to the type and volumes of material that will be excavated on site accompanied by clear information on temporary storage (which is likely to require an extensive area), reuse on site and use or disposal elsewhere. Any material that cannot be appropriately used within the site works will be considered waste and waste management legislation would apply.
 - In view of the extensive volume of excavated material being produced we do not expect the development to include additional borrow pits.
 - The information requirements outlined in section 8.2 of the appendix should be provided insofar as they are relevant to the excavation works proposed.
 - Storage locations should be as close to the excavated area as possible and avoid local sensitivities such as watercourses.
 - There may be significant transportation issues with removal of any of the material from the site so, although not an issue directly within our remit, we recommend that the assessment includes information on transport implications.
- 1.7 In relation to section 7 (forest waste) and section 18 of the scoping report then in addition ensure that any new planting proposals are in line with [Briefing Note 18: Publication of GWDTE Practice Guide \(forestry.gov.scot\)](#)
- 1.8 In relation to section 9 (pollution) we can confirm that from our perspective an outline Construction Environmental Management Plan (CEMP) need not be provided with the application. This is on the understanding that (1) the proposed Spoil Management Plan will address all aspects of spoil management (minimisation, handling, processing, reuse on site, reuse off site and if required disposal) and any related waste management, (2) Peat management is covered by a Peat Management Plan, (3) detailed site plans are submitted which demonstrate how impacts on the environment have been minimised through design and (4) all mitigation is detailed within a suitably robust schedule of mitigation. This

approach will hopefully help streamline the overall information and assessment requirements.

Advice for the applicant

2. Regulatory advice

- 2.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a general regulatory matter, please contact a member of the local compliance team at AHSH@sepa.org.uk. [Pre-application CAR discussions should continue to be directed to Water.Permitting@sepa.org.uk.](#)
- 2.2 Please see our website for further information about the Reservoirs Act 2011.

If you have queries relating to this letter, please contact planning.north@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

Ecopy to: Lee.Crosbie@gov.scot; acurds@ashglasgow.com

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

Appendix 1: Detailed scoping requirements

This appendix sets out our generic scoping information requirements for large scale projects like this. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order to avoid delay and potential objection.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed. We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

3. Site layout

- 1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

4. Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

- 4.1 The proposed hydro scheme will require an authorisation from us under CAR. It is likely that the CAR application will be subject to a derogation (exemption under the Water Framework Directive) assessment and third party consultation which could result in amendments to the scheme. We therefore encourage applicants to twin-track applications for consent under planning and CAR to ensure that CAR requirements can be accommodated more easily when proposals are at their most fluid.
- 4.2 Should the applicant choose not to twin-track their applications then the following details must be included in the planning submission to allow us to provide an indication of the potential consentability of the proposal under CAR:
 - a) The location and design of the intakes and outfalls and their impact upon the morphology of the water environment.
 - b) Compensation flow.
 - c) Fish passages.
 - d) Other relevant CAR or planning applications or consents for abstractions/hydro schemes.
 - e) Sensitive water uses, water dependent species (including bryophytes) and

ecosystems.

- 4.3 See Planning guidance on hydropower developments to assist in meeting these information requirements. More detailed guidance on CAR can be found on our hydropower web page.

5. Other impacts on the water environment

- 5.1 Other elements of the scheme must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A buffer of at least 10m drawn around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
 - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 5.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 5.3 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.
- 5.4 Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

6. Disturbance and re-use of excavated peat and other carbon rich soils

- 6.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release."
- 6.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from

localised temporary storage and reuse rather than movement to large central peat storage areas.

6.3 The submission must include:

a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.

b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.

6.4 To avoid delay and potential objection proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.

6.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.

6.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

7. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

7.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

7.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

8. Existing groundwater abstractions

8.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

8.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice on the minimum information we require to be submitted.

9. Forest removal and forest waste

9.1 If tree felling is proposed the submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

10. Borrow pits

10.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.

10.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:

a) A map showing the location, size, depths and dimensions.

b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.

- c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
- d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
- e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO₂.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

11. Pollution prevention and environmental management

- 11.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to Guidance for Pollution Prevention (GPPs).

Please find attached our response to your consultation. **Please note the highlighted paragraph in our response should be redacted prior to being made public.**

Lee, as previously discussed this proposal may well be unable to meet most or even all of the conservation objectives for Ness Woods SAC, and therefore **has potential to adversely affect site integrity**. Therefore we would welcome the opportunity to meet with ECU and the developer as soon as possible.

Regards

Corrina

I am working from home. You can contact me by email or on my work number above between 8.00am and 4.30pm.
Corrina Mertens | Area Officer, South Highland |she/her

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Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho NatureScot.

Econsents_Admin@gov.scot

FAO Lee Crosbie

04 March 2022

Our ref: CEA165742

Your ref: ECU00003398

Dear Lee

ELECTRICITY ACT 1989

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

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KEMP PUMPED STORAGE SCHEME.

Thank you for your consultation on the 21 January 2022 requesting our opinion on the scope of the EIA for the above pumped storage scheme.

1. Background

We provided pre-application advice to the consultants on the 25 November 2021. We advised on the challenges of taking this project forward, the likely impact on designated sites and the limited possibilities of mitigating these impacts. Our full pre-application advice to the applicant is presented in **Annex A** for your information.

Our consideration of the scoping report is in relation to the following sections within our remit:

Chapter 3 Project Description

Chapter 5 Scope of the Environmental Impact Assessment

Chapter 7 Landscape and Visual Amenity

Chapter 9 Terrestrial Ecology

Chapter 10 Ornithology

Chapter 11 Aquatic Ecology

Chapter 12 Fish

2. Key issues

The key issues relevant to our interests which need to be addressed in the Environmental Impact Assessment Report (EIAR) are:

- The impacts on the qualifying habitats of Ness Woods Special Area of Conservation (SAC)
- The impacts on the qualifying interests of River Moriston SAC

- The impacts on the notified features of Easter Ness Woods Site of Special Scientific Interest (SSSI)
 - The impacts on protected species, such as: arctic char, otter and bryophytes
- Other impacts will result from this scheme and we detail those in the annex.

The results of these assessments will be critical to any subsequent advice we give and the position we take should this proposal progress to a formal application. However, from the information provided at pre-application and in the scoping report, we expect the impacts from the scheme on Ness Woods SAC **will raise issues of international importance and that it is unlikely that ECU will be able to ascertain that there will be no adverse effect on the integrity of the site. As this has consequences for the potential for the proposal to comply with the Habitats Regulations, we recommend an early meeting between ourselves, ECU and the developers to explore possible ways forward.**

We note that alternative sites for the proposed development were reviewed (Section 3.2 Site Selection). We recommend the EIA records this process, including potential alternatives to the current design and location.

3. Our comments on the Scoping Report

We broadly agree with the proposed scope of surveys and assessments to be included in the EIAR; these generally meet the requirements we set out in our pre-application advice. However, we advise that extra information is included in the EIAR should this scheme progress to full application. We have detailed the extra information required in Annexes to this letter. We provide general comments and answer the questions posed in the scoping report in **Annex B**. Additional information required to inform a full EIAR is in **Annex C**.

We ask that you save each chapter of the EIAR to a separate pdf file of no greater than 10 MB in order to make them compatible with our corporate filing system, with file names that relate to the content of each chapter.

Please note that while we are supportive of the principle of renewable energy, our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process.

Should you have any queries about this letter please contact me at the email below.

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

Yours sincerely

Corrina Mertens

Operations Officer, Lochaber

South Highland

Corrina.mertens@nature.scot

Annex A - Pre- application advice to the applicant

Jennifer,

Thank you for your email. We have the following advice for you regarding the designated sites which could be affected by this proposal. However this scheme will be very challenging. It is likely to cause significant impacts on at least one designated site with limited possibility of mitigating these impacts. We welcome the opportunity to discuss these impacts with you, but wanted to highlight this to you at an early stage.

Ness Woods SAC and Easter Ness Forest SSSI

As you correctly noted the proposal will impact on Ness Woods SAC, designated for mixed woodland on base rich soils, western acidic oak woodland and otter and East Ness Forest SSSI designated for the two woodland features. Further information about the SAC, including the Conservation Advice Package, can be found here: <https://sitelink.nature.scot/site/8337> and about the SSSI, here: <https://sitelink.nature.scot/site/591>

Our initial thoughts are the following elements will have an impact on the woodland features of the site:

Track works – *the proposed track would pretty much follow the route of the existing track which, from the aerial photos, appears to have been established sometime after 2017. The constructed track is only visible as far as NH456160 on our mapping system.*

The track runs very close to the Allt a' Chinn Mhonaich, and passes through woodland habitat, which is likely to be a mosaic of mixed woodland and oak woodlands. The Allt itself may well have a rich bryophyte community (it is a D on the Oceanic bryophytes hydro planning database, which is one of the characteristic features of these woodland types. In order to assess the impact of the track, we would need complete details of its footprint – length, full working width – including running width, drainage and any works required to stabilise it. We would also need details of the materials to be used, from where they would be brought in, and where they would be stored on site. This would enable us to calculate the area of woodland habitat that would be lost. We'll also need to consider fragmentation effects, and the impact on the Allt a' Chinn Mhonaich, as well as impacts the materials used might have on the plant communities along the edge of the track. In order to assess the impact on bryophytes we will need a bryophyte survey, which should assess what species might be sensitive to any impacts from the track, potentially including direct disturbance and ingress of track materials.

The powerhouse – *this would be constructed in an area of woodland on the shore of Loch Ness, at the foot of the burn flowing from Lochan ' Choin Uire. In order to assess the impact of the powerhouse we would need details of the footprint of the powerhouse and any associated infrastructure, in order to understand the area of woodland habitat that would be lost.*

The tunnel – *the bottom end of this passes through woodland. In order to assess the impact of the tunnel we would require details of any above ground works that would affect the woodland. This would enable us to assess any loss or disturbance of woodland qualifying habitat.*

*The **dam at the head of Allt an t-sluichd** – this will lead to inundation of land within the SAC, and restriction of flow on the Allt, which is likely to make it unsuitable for any specialised bryophyte communities, which are characteristic features of these woodland types (this watercourse is also a D on the Oceanic bryophytes hydro planning database). In order to assess the impact of the dam we would need details of the area within the SAC that will be inundated, so that we can understand the area of woodland habitat that will be lost.*

We will also need a bryophyte survey of the Allt, in order to understand the value and sensitivity of the bryophytes communities. In order to assess the impact of the dam on the communities, we will need information on residual flow. This will enable us to consider how the microclimate of the Allt will be affected, which is essential for the bryophytes.

Otter and other protected mammals :

All of the above elements could impact on the otter feature of the SAC, so a survey will be required. There is also the potential for bats, water vole, squirrel and pine marten to be present within the footprint, so a comprehensive survey including all protected species is expected

River Moriston SAC and Loch Ness:

The proposed scheme is across Loch Ness from the River Moriston SAC, designated for Freshwater Pearl mussel and atlantic Salmon. Atlantic salmon is also the host fish for FWPM. As you are aware, pump storage takes in and discharges a lot of water and may potentially act as an attractant for returning salmon and /or confuse smolt passage downstream. We would expect the ES to consider and mitigate the risk to the long term status of the River Moriston SAC. Therefore some monitoring to determine fish behaviour in Loch Ness will be required. The survey should also take into account potential impacts caused by the Red John pump Storage scheme. In addition to salmon, Loch Ness is known to support atlantic char. The outfall of the pump storage scheme could affect spawning ground in the Loch so the fish survey should also include impacts on Atlantic Charr.

Knockie Lochs and breeding birds

Knockie Lochs and nearby Lochs SPA and Knockie Lochs SSSI are designated for breeding Slavonian Grebe. From our records it does not appear that Slovenian Grebe use Loch Kemp however we advise that you seek further advice from RSPB who hold more recent data. We recommend that Lochan a' Choin Uire, Loch Cluanie and Loch Paiteag are included in the RSPB data search.

For all other bird species we recommend a thorough desk study to inform the scope of the bird survey work required.

Annex B - Comments and advice on the scoping report questions

1. Landscape

The proposal will not affect any designated landscape and we agree the proposed scope of the LVIA and suggested range of visualisations.

2. Land use and Recreation

We have no comment to make

3. Terrestrial Ecology

3.1 Ness woods SAC

Q: Can NatureScot provide further details on their key interests in the SAC/SSSI are, specifically in relation to the woodland designations and what would be required from the development team to ensure that sufficient surveys are undertaken to cover the designated site and enable an Appropriate Assessment to be prepared for the Proposed Development (if required).

The majority of the development lies within Ness Woods SAC, designated for mixed woodland on base rich soils associated with rocky slopes, western acidic oak woodland and otter. The mixed woodland qualifying interest is a priority habitat and is the primary reason for Ness Woods SAC site selection. Both qualifying woodland interests include all aspects of the woodland structure, including understorey/ ground flora, epiphytes, and terrestrial/ saxicolous bryophytes and lichens. Bryophyte-rich ravines are an integral part of the typical species of both woodland habitats and are amongst the reasons why these habitats are of international interest and why Ness Woods SAC was selected as an SAC.

We strongly recommend that the applicant uses the sitelink facility on our website:

<https://sitelink.nature.scot/site/8337> to access the most up to date information regarding the status of the designated sites in the area. The Conservation Advice Package provides the most up to date information on the importance of the site and the conservation objectives against which the proposal will be assessed in a Habitats Regulations Appraisal.

- *Q: Do the ECU, THC and NatureScot agree with the proposed scope of the Terrestrial Ecology assessment?*

The proposed scope is broadly appropriate, but needs to include the following:

1. Maps of the locations of all built structures and associated land take required to construct the development. These should
 - a. Clearly show which areas will be subject to direct; indirect; temporary and permanent impacts. Where there is uncertainty the areas shown should be the largest areas that could be required, including contingency, not best case scenarios.
 - b. show the extent of spread of material beyond planned area of use as areas mapped for indirect impacts. For example, track materials dispersing over the plant communities along the edge of the track.
2. Maps of a) Annex 1 habitats to extend to 100m beyond the construction footprint and b) NVC habitats over the same area.

3. Calculations of the total area of each type of Annex 1 habitat that will be lost and disturbed, subdivided according to whether these are expected to be permanent, temporary, direct or indirect, and according to which element of the scheme (powerhouse; access track etc). Again, where there is uncertainty the areas shown should be the largest areas that could be required including contingency.
4. Calculations of the total area of habitat that will cease to function due to fragmentation by the scheme including,
 - a. The narrow strips of land between successive hairpin bends of the track
 - b. the narrow strip of land along the shore that appears to be left isolated due to the lower track to the powerhouse

As noted above the bryological interest is integral to woodland feature and therefore detailed bryophyte and lichen surveys should be carried out for all areas highlighted in the bryophyte walkover report walkover report, especially the watercourses and the powerhouse site, lower works and access track.

- *Q: Are the ECU, THC and consultees aware of any key sensitive receptors, which have not already been highlighted, that should be taken into account?*

It would be worth considering the impact of ALAN (Artificial Light At Night), especially on invertebrates, birds and mammals.

- *Q: Are the ECU, THC, and NatureScot aware of any particular consultees in the area who may wish to provide comment on the scope of this assessment*

No

As highlighted above, based on the information available to date, we advise that this proposal may well be unable to meet most or even all of the conservation objectives for Ness Woods SAC, and therefore **has potential to adversely affect site integrity**. If so, Energy Consents Unit would need to consider whether the tests in Regulations 49 and 53 of the Habitats Regulations can be met. NatureScot has no statutory role in advising on whether these further tests are met, but we are happy to advise on sources of guidance, the outcome of similar cases, the impacts of alternative solutions on European sites, and any proposed compensation measures. Further information on these legislative requirements for SACs can be found here <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra/habitats-regulations-appraisal-hra>

3.2 Easter Ness Forest SSSI

Easter Ness Forest SSSI is notified for upland oak woodland and upland mixed woodland. These features are the same as those woodlands designated in the SAC. Advice on these two features is covered by our SAC advice above. Further information on the SSSI can be found here:

<https://sitelink.nature.scot/site/591>. The citation describes the key interests of the woodland features.

4. Ornithology

- *Q: Do the ECU, THC and NatureScot agree with the proposed scope of the ornithology assessment?*

The survey work already undertaken in 2021 is appropriate. However, we advise that the proposed surveys for 2022 are expanded to include waterfowl. The assessment should pay particular attention to any potential impacts on Loch Knockie and nearby Lochs SPA and Knockie Lochs SSSI through connectivity to the proposal.

- *Q: Are the ECU, THC, NatureScot and consultees aware of any key sensitive receptors, which have not already been highlighted, that should be taken into account?*

Redacted

5. Aquatic Ecology

There are a number of potential impacts of this scheme on bryophytes that might raise issues of national interest. These are summarised below.

The Scoping Report states that “The Proposed Development lies just beyond the edge of the western Scottish Highlands, which are of global importance for bryophytes” (11.1.9). In fact, the site sits within an area of high oceanicity shown in NatureScot Commissioned Report No. 449b *Bryological assessment for hydroelectric schemes in the West Highlands* (2nd edition)¹. Hence, there are a number of burns within the Loch Kemp area which have been identified as having potential nationally/internationally important flora of uncommon, oceanic, hygrophilous bryophyte species.

It is important to note that these oceanic bryophyte communities of the designated sites are also likely to be classed as typical species of this woodland habitat (this has been discussed in section 3 above)

- *Q: do the ECU, SEPA and NatureScot agree with the proposed scope of the aquatic ecology assessment.*

We agree with the proposed scope of the bryophyte assessment, with detailed surveys to be carried out on; Allt an t-Sluichd (for the avoidance of doubt the survey should cover the entire length of the burn), the unnamed burn draining from Lochan a’Choin Uire and Allt a’Chinn Mhonaich

We also welcome the additional surveys on the inflows to Loch Kemp that will be inundated by the damming of Loch Kemp.

¹ <https://www.nature.scot/sites/default/files/2017-07/Publication%202012%20-%20SNH%20Commissioned%20Report%20449b%20-%20Bryological%20assessment%20for%20hydroelectric%20schemes%20in%20the%20West%20Highlands%20%282nd%20edition%29.pdf> (Map2) (CR 449b)

6. Fish

6.1 River Moriston SAC

The River Moriston SAC is designated for Atlantic Salmon and Freshwater Pearl Mussel (FWPM). Atlantic salmon are also a critical component of FWPM life cycle as host fish. Therefore, impacts on salmon will have indirect impacts on FWPM and this link needs to be considered in any assessment.

- *Q: Do the ECU, THC, NatureScot, SEPA and the Ness District Salmon Fishery Board agree with the proposed scope of the Fish assessment?*

Although we generally agree with the proposed assessment of the River Moriston SAC as set out in 12.1.18 it needs to be expanded to include the following:

1. An assessment of the implications of modelled flows in and out of the River Ness for the ability of salmon to continue to migrate successfully. Migrating salmon access Loch Ness and ultimately River Moriston through River Ness and flow rates in the River Ness are dependent on loch levels. Therefore **it is essential that the impact of this proposal on the flow rates in the River Ness be considered alongside the impact of the existing pumped storage scheme at Foyers, plus other pumped storage schemes planned or being considered around Loch Ness.**
2. Monitoring and mitigation proposals to minimise impacts on smolts
Information on smolt movement in freshwater lochs is limited but we know that they disperse widely around lochs before heading out towards the sea. There is a risk of smolt entrainment during pumping operations. Therefore, we need monitoring and mitigation measures to avoid significant loss of smolts due to entrainment. We recommend the use of monitoring arrays around the outfall /pumping area and a range of mitigation measures, which include modifying operation of the scheme.

Small water bodies around Loch Kemp - We broadly agree with the proposed scope of the fish assessment in terms of coverage but request that further information is included in the EIAR. The Scoping report does not detail whether these surveys will be purely qualitative or have any semi/fully quantitative in nature. Therefore, we advise that full details of type and reasoning behind each survey as well as methodology provided in the EIAR.

- *Q: Are the ECU, THC, NatureScot, SEPA, and consultees aware of any key sensitive receptors, which have not already been highlighted, that should be taken into account?*

Loch Ness also supports both Arctic charr and ferox trout (a piscivorous lacustrine form of trout). We are aware recent work tracking and field camera by the Ness DSFB has identified some spawning sites for the trout, but nothing is known about the spawning sites of Arctic charr in the area. Similar work to establish spawning areas for Arctic charr is being carried out by SSE in response to their proposals for the pumped storage facility at Loch Lochy (Coire Glas) and we advise a similar methodology is carried out for this EIA.

Annex C – Additional required Information to Support an Application

a) Grid Connection

We note that an underground grid connection has been agreed, but the route has yet to be decided. Based on the location of the powerhouse, this has the potential to further impact on the woodland features of the SAC. Therefore this needs to be taken into account and included in a cumulative impact assessment and included in the EIAR.

b) Construction Method Plans

We require full details of construction plans and methods for all elements of the scheme at application stage, to enable us to advise you on the nature and magnitude of the impacts on the environment. Therefore, we advise that finalised detailed CMPs are submitted as part of the final application.

The CMPs must include detailed description and mapped plans of the:

- Track – this should include track drainage, benching, working width with full description of land take required for hairpins, and detail about the reuse, storage and transport of excavated material. The track plan and description should be based on the highest likely required specification.
- Powerhouse, outfall, adjacent buildings and infrastructure, including jetties
- Dams and impoundment – in particular the area within the SAC at the top of the Allt an t'sluichd
- Tunnel – in particular the construction footprint around the lower opening which is situated in the SAC
- Laydown areas
- Borrow pits - These need to be identified and if in the SAC, full details of size, location and amount of material detailed.

c) Mitigation and restoration plans

We advise that a schedule of mitigation and restoration is provided which clearly details all measures required for each component of the scheme.

These plans should specify techniques that will be deployed to minimise impacts on, and where appropriate, permit full restoration of habitats. These should:

- minimise footprint of works
- ensure appropriate techniques and management of excavated vegetation (turf size, storage and reinstatement)
- ensure appropriate excavation, storage and reinstatement of soil layers
- ensure vehicle use and other operations do not cause adverse impacts outside the working corridor
- ensure successful long-term habitat recovery by detailing post-construction monitoring and management arrangements, including triggers for any remedial action required to ensure success.
- Mitigation measures to minimise impacts on smolts as advised as above.

By email: econsents_admin@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300056209
Your ref: ECU00003398

07 February 2022

Dear Scottish Government Energy Consents

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Kemp Pumped Storage Scheme
Scoping Report**

Thank you for your consultation which we received on 24 January 2022 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

We understand that the proposed development comprises a 300 Megawatt pumped storage scheme located within the Dell Estate, approximately 13 kilometres to the north-east of Fort Augustus.

Scope of assessment

The scope of assessment proposed the report will identify any likely significant effects on our interests. We have not identified any specific assets where we would like to offer further advice at this stage. We would be happy to comment on more information as it becomes available. In particular, it may be useful to the applicant to agree any requirements for supporting information before finalising the application.

We note that the proposed methodology refers to 'heritage importance and sensitivity'. We would recommend the approach taken in the [EIA Handbook](#), which focuses on cultural significance. We expect the assessment to refer to the handbook and the advice it contains.

It appears likely that any impacts on our interests will be on the setting of heritage assets. We therefore recommend that the assessment follows the advice given in our [Managing Change guidance note on Setting](#).

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron. Ruth can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

Yours faithfully

Historic Environment Scotland



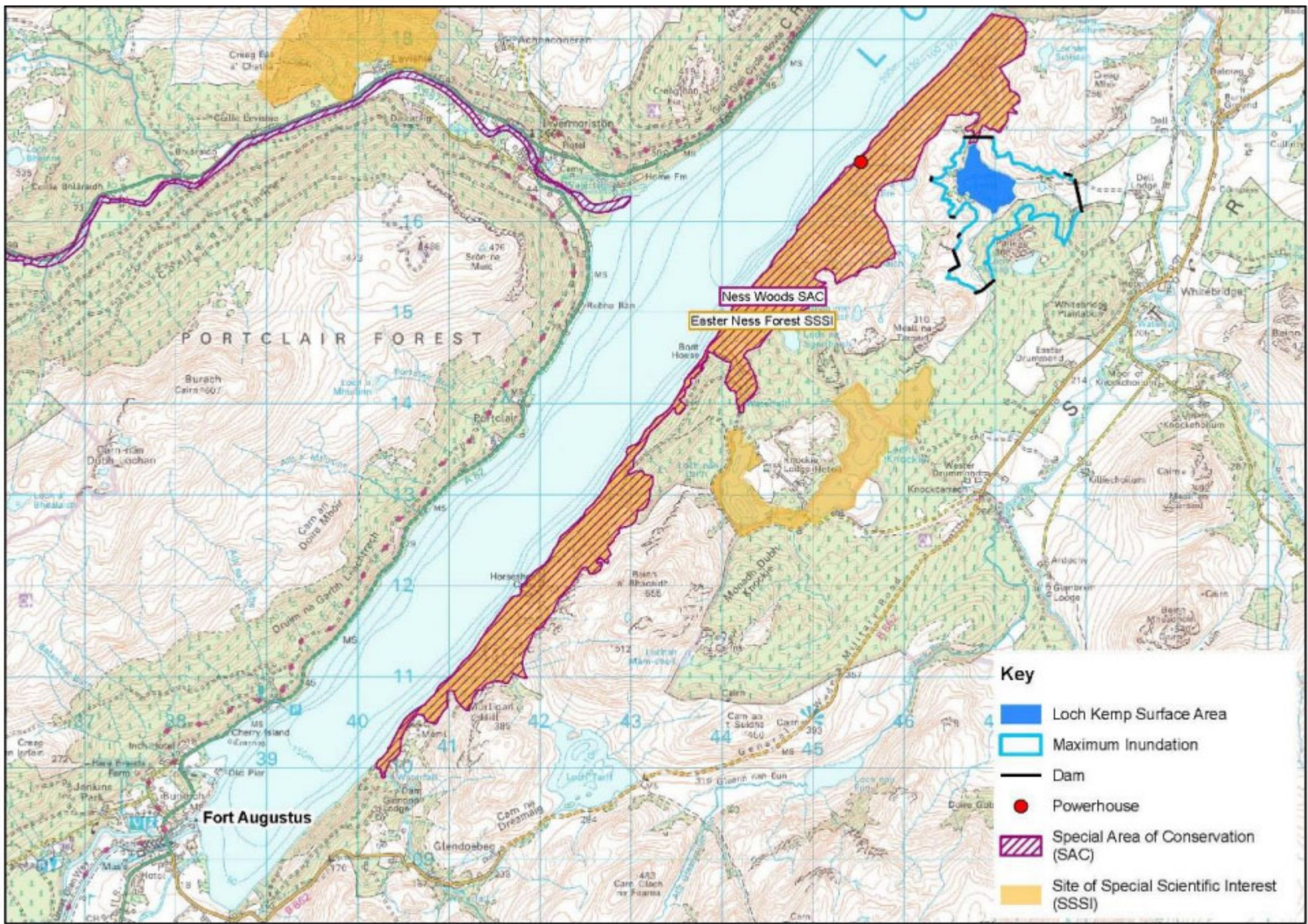
OUR REF; WID11743

Dear Sir/Madam

Thank you for your email dated 21/01/2022.

We have studied this proposal using the attached with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated using the location within the attached (Figure 1. 1:50,000 map showing location of Loch Kemp scheme) provided should not cause interference to BT’s current and presently planned radio network.



Regards

Lisa Smith
Engineering Services – Radio Planner
Networks



This email contains information from BT that might be privileged or confidential. And it's only meant for the person above. If that's not you, we're sorry - we must have sent it to you by mistake. Please email us to let us know, and don't copy or forward it to anyone else. Thanks.

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To whom it may concern,

Fisheries Management Scotland is the representative body for Scotland's District Salmon Fishery Boards, the River Tweed Commission and charitable Rivers and Fisheries Trusts. Our members work to conserve Scotland's valuable and iconic wild salmon and freshwater fish and fisheries and the aquatic environment on which they depend.

I am writing in support of the comments from the Ness District Salmon Fishery Board (attached), which we fully endorse. The Scottish Government have recognised that Scotland's wild salmon populations are at crisis point and have recently published a Wild Salmon Strategy.

Please don't hesitate to contact me if you require any further information.

Kind regards,

Alan Wells

Dr Alan Wells | CEO
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | 07557 133455
www.fms.scot

ELECTRICITY ACT 1989**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017****REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KEMP PUMPED STORAGE SCHEME – Response from Ness District Salmon Fishery Board**

The Ness District Salmon Fishery Board (Ness DSFB) is a statutory body responsible for the protection and enhancement of migratory salmonid (salmon and sea trout) populations in the Ness District, including Loch Ness. The Ness DSFB would like to make the following comments and observations on the above Environmental Scoping Report.

Migratory Salmonid Populations

Loch Ness forms an important migratory route and refuge for Atlantic salmon and sea trout (migratory salmonids) as they travel between the marine and freshwater environments. Fish originating in the upper Ness catchment, including fish originating in the lower River Ness, all have the potential to be present in the area of the proposed development.

The water abstraction/discharge point for the proposed Loch Kemp pump storage hydro is located in close proximity, approximately 2.5km from the mouth of the River Moriston, (Special Area of Conservation (SAC)), designated for Atlantic salmon and freshwater pearl mussel (which depend on the juvenile salmon for part of their lifecycle). The most recent site condition monitoring for the Moriston SAC considers the condition of the Atlantic salmon interest to be 'Unfavourable, No Change'.

Further to the above, abundance of salmon in the Upper River Garry has declined over the last fifty years and is showing little sign of recovery. Historical annual returns of up to 900 salmon through the fish counter in Garry Dam have now reduced to a five-year average of just 50 fish. More widely, there has been a long-term decline in the annual Ness district salmon rod catch.

The general decline in salmon numbers places a greater emphasis on the protection and enhancement of salmon populations in the Ness district. We aim to maximise the number of healthy wild salmon and sea trout that go to sea from their home rivers (referred to as 'smolt escapement').

Potential Impacts of Proposal

A number of potential impacts arising from the proposed development are of concern to us. These include, but are not limited to the following:

- Entrainment and/or impingement of salmon and sea trout smolts at the Loch Ness inlet, in particular those originating from the River Moriston SAC;
- There is a knowledge gap regarding the impact of repetitive abstraction and discharge cycles by pumped storage hydro schemes (PSH) on the passage of salmon and sea trout smolts as they migrate through lochs. There is already one operational PSH in Loch Ness (Foyers) with another consented (RedJohn). If all three schemes become operational salmon smolts migrating along the east side of Loch Ness could encounter three large scale PSH schemes.

Downstream migrating smolts seek outflows from lochs to continue their downstream migration. Most natural lochs have a single outflow. In the case of Loch Ness, the original, single outflow, would have been the River Ness at the north end of Loch Dochfour. If Loch Kemp and Red John are built, and become operational, there would be (as far as a smolt was concerned), five potential outlets from Loch Ness; the three PSH schemes during the abstraction part of the cycle, the Caledonian Canal at Dochgarroch, and the River Ness. Only one of these outlets would result in a successful outcome for downstream migrating smolts. The PSH intakes may be screened but smolts demonstrate negative rheotaxis and are instinctively drawn towards “outlets”. If salmonid smolts are attracted by PSH intakes during the abstraction cycle, this is likely to result in migration delays, and potentially increased predation by predatory fish, which are known to home in on anthropogenic “pinch-points” where smolts may accumulate. Smolts have evolved to time their downstream migration to reach the sea at the optimum time. The effect of cumulative, anthropogenic, delays to the migration is likely to be highly detrimental to their life-time success. **Given the national interest in PSH, this issue needs significant, and urgent, research to establish whether PSH intakes do attract, delay and ultimately result in increased smolt mortality. Without this fundamental understanding management of the issue is impossible.**

- Foyers PSH raises/reduces the water level in Loch Ness by 87mm during a single discharge or abstraction cycle. The consented Red John scheme will have a similarly large magnitude effect on water levels in Loch Ness (90mm). It is not clear at this stage what impact the proposed Loch Kemp Scheme will have on Loch Ness, but assuming it is of similar magnitude, there is the potential for a cumulative, daily, drawdown of the water level in Loch Ness in the order of 270mm. When generating, 200m³/s of water is discharged into Loch Ness by the Foyers PSH. The volumes of water pumped to the upper storage reservoir, during abstraction, are of similar magnitude. To put these flows into context, the Q10 flow (flow that is exceeded during 36 days a year on average) for the River Ness at Ness-side, is 181m³/s <https://nrfa.ceh.ac.uk/data/station/meanflow/6007>. Foyers PSH, therefore, abstracts and discharges, on a daily basis, more water that would flow down the River Ness during a moderate size spate. Consequently, Foyers PSH already affects water levels in Loch Ness, and River Ness, but the cumulative impact of three PSH schemes in Loch Ness on downstream river levels is significant greater, and potentially quite destructive to other interests e.g. angling, but also to the ecology of the River Ness.

Flow regulating sluices were installed at Dochfour Weir by Scottish & Southern Energy in the 1970s, when Foyers PSH was built, to try and regulate flows in the River Ness. This is only partially successful and when the sluices are open it affects the ability of upstream migrating salmon to negotiate the fish pass at Ness Weir.

There is a SEPA Car licence controlling the operation of Foyers PSH - minimum loch levels at which abstraction can occur, are specified. A potential scenario whereby all three Ness PSH schemes abstract, simultaneously, during low loch levels, could result in record low water levels in Loch, the River Ness, as well as in the Caledonian Canal. Predicted climate-induced effects include greater duration and frequency of water scarcity in future, indeed, SEPA have recently consulted on measures to address water scarcity. The cumulative operational impact of these schemes will have real potential to exacerbate existing issues, and this is likely to get worse in future. Salmon are threatened by climate change, but measures to address carbon emissions should not exacerbate pressures on already threatened native wildlife.

The cumulative impact of three PSH schemes on water levels in Loch Ness, the River Ness, and the Caledonian Canal, needs to be considered very carefully.

- Information relating to the behaviour of migratory adult salmonids as they pass through Loch Ness is limited. Disruption to the migratory behaviour of salmon and sea trout resulting from the discharge of water from the outlet of the proposed development could occur. This has the potential to leave them more vulnerable to illegal exploitation and predation. **Given the scale of the proposed development, and the cumulative impact of multiple PSHs on Loch Ness, and the potential impacts on migratory salmonid populations in the Ness system, we regard that an extensive desk study, together with both adult and smolt tracking studies, will be required to adequately inform the assessment of likely impacts.**

Specific scoping report comments

6.1.2. The scoping report states that *“The maximum and minimum level limits of Loch Ness will remain within the current limits”*. However, the cumulative effect of up to three PSH schemes operational simultaneously is likely to mean that Loch Ness will remain at *“minimum level limits”* for longer periods and more frequently. This will have a knock-on effect on levels in River Ness. **We request that the EIA completes a thorough assessment of the cumulative impact on loch and river levels, in the context of climate change, when more extremes in weather are expected (see previous comments).**

6.1.6. We welcome this statement *“It is proposed to carry out detailed hydrological modelling to explore and assess the potential effects of the Proposed Development on water management within the Loch Ness catchment during the operational phase of the Proposed Development”*, **however, the cumulative impact of this proposed scheme and others already operational, or consented, needs to be included within the hydrological modelling. We cannot stress this point enough.**

12.1.2., Table 3. The River Moriston estuary lies approximately 2.5km from the Kemp PSH discharge point. The potential impact of the proposal on salmon smolts emigrating from the River Moriston needs to be considered fully.

12.1.6 *“Loch Ness is an important migratory route and refuge for Atlantic salmon and sea trout (salmonids) travelling between the marine and freshwater environments”*. All potential impacts of the proposed scheme, and the cumulative impact of the other PSH schemes in Loch Ness on adult, and smolt, migration through Loch Ness need to be considered.

12.1.14 to 12.1.20. Ness DSFB agree that the scoping document identifies the highest priority impacts of the proposed scheme.

12.1.18 *“The potential impacts of the Proposed Development on the migratory Atlantic salmon qualifying features of the River Moriston SAC will be assessed. This will involve consideration of conditions for both upstream and downstream fish migration, informed for example by reviewing previous tracking studies in Loch Ness, and consideration of other influences including the presence of natural flows into and out of the loch, and regulated flows from existing and consented pumped storage schemes.”* This statement means, and reads well. However, there are few detailed tracking studies on adult, or smolt stage, salmonid passage or use of Loch Ness, and none that we are aware

off studying Atlantic salmon. This is a major knowledge gap that needs to be addressed as part of this EIA. This should have been done during the EIA stage for previous PSH schemes on Loch Ness, but were not. **The interest in, and development of PSH, has grown exponentially in recent years. Some key knowledge gaps regarding migratory salmonids interactions with PSH have been identified above.**

Considering the statements made within the recently published Scottish Wild Salmon Strategy <https://www.gov.scot/publications/scottish-wild-salmon-strategy/> it is clear that the Scottish Government considers the iconic Scottish Wild salmon to be in crisis. It would be totally unacceptable for this recent upsurge in PSH to proceed any further without its full impact on the Ness system wild salmon being understood.

Brian Shaw

Director, Ness District Salmon Fishery Board

15th February 2022

Your Ref: ECU00003398

Our Ref: 2022/033/INV

Dear Sir/Madam,

Kemp Pumped Storage Scheme. (Hydro Non-Renewable.)

Loch Kemp, Highlands, Scotland

With reference to the above, our calculations show that, at the given position, this development would not infringe the safeguarding criteria for Inverness Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

Yours faithfully,

Ed

Ed Boorman

HIAL Safeguarding (Acting for and on behalf of Highlands & Islands Airport Ltd)



m: +44 (0)7962 269420

e: hialsafeguarding@traxinternational.co.uk

e: safeguarding@hial.co.uk

Dear lee,

A Windfarms Team member has replied to your co-ordination request, reference **WF259828** with the following response:

Good Morning Lee,

We don't have any concerns regarding this development. It is not within coordination zone of any of the links we manage.

Kindest Regards,

Heather Willoughby

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

<https://breeze.jrc.co.uk/tickets/view.php?auth=olxymeaaabzmyaaaWR%2FE%2F5a34KFUwA%3D%3D>



The Granary | West Mill Street | Perth | PH1 5QP
T: 01738 493 942 E: info@mountaineering.scot
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By email to: Econsents_Admin@gov.scot

Lee Crosbie
Case Officer
Energy Consents Unit
The Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

11 February 2022

Dear Sir/Madam

Kemp Pumped Storage Scheme - 300 MW pumped storage scheme with upper storage reservoir, near Whitebridge, Loch Ness.

ECU reference: ECU00003398

Thank you for the opportunity to comment on the Scoping Report for the proposed Kemp Pumped Storage hydro scheme.

Mountaineering Scotland is a membership organisation with more than 15,000 members and is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains. We represent, support and promote Scottish mountaineering, and provide training and information to mountain users for safety, self-reliance and the enjoyment of our mountain environment.

Mountaineering Scotland has comments only on the proposed visualisations in section 7.1.20. We suggest the inclusion in visualisation assessment of Meall Fuar-mhonaidh, a popular summit listed as a 'Graham' - mountains in Scotland between 2000 and 2500 feet high (609.6 - 762m), with at least 150 metres of descent on all sides. Listed hills such as this one are included in hillwalking guides and are very popular with walkers in Scotland.

We request that visualisation assessment from this viewpoint should include the extent of the proposed drawdown zone surrounding Loch Kemp and the design and construction of new permanent tracks.

I hope you find these comments useful in your consideration of this proposal.



Yours sincerely

Redacted

Davie Black
Access & Conservation Officer
Mountaineering Scotland

Redacted

E: access@mountaineering.scot



Our Ref: SG32695

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL

www.nats.co.uk



NATS Public

Lee Crosbie
Energy Consents Unit

By email to: Lee.Crosbie@gov.scot
Econsents_Admin@gov.scot

25th February 2022

Dear Lee

**ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION
FOR KEMP PUMPED STORAGE SCHEME.**

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

Summary

RSPB Scotland is supportive of the use of renewable energy but developments must be carefully sited to avoid negative impacts on sites, habitat and species of conservation importance.

The proposal would involve a dam, new track and construction of a powerhouse and tunnel within the Ness Woods Special Area of Conservation (SAC), designated for mixed woodland on base-rich soils associated with rocky slopes, western acidic oak woodland and otter. The proposal would have likely significant effects on the site. No alternative routes and locations out with the SAC have been proposed.

The Loch Knockie Special Protection Area (SPA), designated for its population of breeding Slavonian grebes is approximately 1.8km south of the proposal. We provide further advice on this below.

Ministers, as competent authority, are required by Habitat Regulations to undertake an Appropriate Assessment of the effects of the proposal on the SPA and SAC and their species in light of the sites' conservation objectives.

The EIA Report must include sufficient information to inform the Appropriate Assessments. If the potential impacts of the proposal cannot be sufficiently mitigated and there could be adverse impacts on the integrity of these sites it is unlikely that the proposal could be supported.

We have concerns about the loss of native and ancient woodland within the area to be inundated, outside the SAC.

We also provided advice on data sources, survey methods and mitigation.

Further details are provided in Annex 1.

Yours Sincerely
Redacted

Claire Smith - Senior Conservation Officer – South Highland
claire.bsmith@rspb.org.uk

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Patron: Her Majesty the Queen Chairman of Council: Kevin Cox President: Miranda Krestovnikoff
Chairman, Committee for Scotland: Professor Colin Galbraith Director, RSPB Scotland: Anne McCall

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

Annex 1 – RSPB Scotland Further comment

Ness Woods SAC

Woodland habitats

The proposed development includes over 1km of operational (i.e., permanent) track, the powerhouse and a tunnel, all to be constructed within the SAC, as well as the dam itself, leading to some of the SAC being inundated (figure 5). This with associated borrow pits, site establishment and staff accommodation (not mapped) will lead to a reduction in habitat area. There would clearly be likely significant effects on the SAC and the loss of habitat would be in contradiction to the conservation objectives stated in the Conservation Advice Package to maintain the extent and distribution of habitats within the site¹.

A figure is provided for the loss due to inundation (0.4ha section 18.1.15), but no area has been calculated for other direct loss of habitat as a result of construction within the SAC. This will need to be presented to inform an Appropriate Assessment. Alternative track route and location options (e.g., for staff accommodation) must also be presented. It is noted that some direct loss of habitat within the SAC may be temporary and it is proposed that areas could be replanted. However, depending on the age of trees to be felled and the resulting fungi and invertebrates that they support; this may not be adequate mitigation to avoid adverse impacts on the SAC. Detailed tree and understory survey work would be required to inform this. Care should be taken when sourcing any saplings for replanting to ensure they are of suitable local provenance. Trees for Life may be able to assist with such sourcing.

Construction within the SAC and associated habitat loss should be avoided as much as possible.

Ness Woods SAC is in unfavourable condition, largely due to grazing pressure and invasive non-native species. An assessment should be carried out of how the proposal is likely to affect deer movement and in turn deer impacts on the SAC and an accompanying deer management plan produced or changes incorporated into the existing deer management plan.

NatureScot will be able to provide further detail on what information is required to inform the Appropriate Assessment.

Loch Knockie and Nearby Lochs SPA

Loch Knockie is part of the Loch Knockie and Nearby Lochs SPA, designated for breeding Slavonian grebe. It is also designated as part of the Knockie Lochs SSSI. The nearby SPA should be specifically noted in the ornithology chapter (section 10.1.2 of the scoping report only refers to the SSSI).

Slavonian grebe are a rare, red listed breeding bird in Scotland with only 21 pairs recorded in 2021. Slavonian grebes can move between sites in March/April before settling on a loch to breed. Sufficient information must be gathered to inform the EIA and a Habitats Regulations Appraisal.

Given the scale of the proposal and long-term nature of the impacts we would recommend a second year of waterfowl surveys to include additional visits in March/April to check Loch Kemp and surrounding lochans for any birds, paying particular attention to any areas of bottle sedge and willow on lochan edges in May/June.

An assessment of potential effects on Loch Knockie and nearby Lochs SPA and Knockie Lochs SSSI through hydrological connectivity will be carried out (section 13.1.13). This assessment must consider the impacts changes in hydrology may have on Slavonian grebe as the qualifying feature of the SPA.

RSPB Scotland does not hold any recent data for breeding Slavonian grebe in this area (using Loch Kemp, Lochan a' Choin Uire, Loch Cluanie or Loch Paiteag). We do hold annual data for Loch Knockie which can be supplied via a data request.

Birds of Conservation Concern

The site and its surrounds is used by a number of other Schedule 1 of the Wildlife and Countryside Act and/or Annex 1 of the EU Birds Directive species as well as other species that are red or amber listed as being of conservation concern and impacts on these species should be fully assessed for example there will be a loss of woodland habitat for some species.

RSPB does not hold any recent data for the lochans or area to be inundated. However, there are historical data (2006) for black and red-throated diver and breeding goldeneye. A second year of

¹ <https://sitelink.nature.scot/site/8337>

a four-visit waterfowl survey with all lochans visited should be sufficient to determine whether species are present, assess the impact of the proposal and whether any mitigation should be proposed. Mitigation and avoidance measures could include golden eye nest boxes or diver rafts or changes to timing of construction work to prevent disturbance.

Highland raptor study group should be contacted to provide data on breeding golden eagle, osprey, red kite and hen harrier (present in the 2004 national survey) and this be included in any assessment of impacts. We particularly recommend liaising with them regarding the golden eagle pair.

No detail on the timing of breeding bird surveys has been provided so it is unclear if these would have picked up lekking black grouse. The estate may hold data on any black grouse leks, otherwise, dedicated surveys should be carried out.

Loss of native and ancient woodland

Section 18.1.15 states that approximately 4ha of native broadleaved woodland is within the maximum inundation level of the proposed development (as noted above, loss of woodland due to construction is additional to this) 3.6ha of this is outwith the SAC.

Additionally, 1ha of the 30ha of Whitebridge plantation is mapped on the Ancient Woodland Inventory. The Scottish forestry strategy (2019)² highlights the need to prevent loss of ancient woodland.

The area of woodland likely to be lost should be clearly mapped and area calculated and figures presented for ancient and native woodland. Any loss of ancient woodland should be avoided.

Policies and Guidance for the Highland Wide Development Plan require applicants seeking planning permission to effectively consider and subsequently manage existing trees and woodlands, as well as identifying opportunities for planting and management of new trees and woodlands. The Proposed Development should satisfy the requirements of the Control of Woodland Removal Policy and the Highland-wide Local Development Plan 1 Policies 51 and 52 and other relevant policies. Scottish Planning Policy recognises Ancient woodland as an irreplaceable resource and, along with other woodlands, states it should be protected from adverse impacts resulting from development.

Policy 34 of the Draft NPF4 states that:

'Development proposals should not be supported where they would result in:

- *any loss of **ancient woodlands**, ancient and veteran trees, or adverse impact on their ecological condition;*
- *adverse impacts on **native woodlands**, hedgerows¹.*

Although currently in draft form, it is expected to be approved by summer 2022 and its policies should be considered at this stage.

RSPB as part of Scotland Environment LINK is asking for delivery *'of a significant expansion in Scotland's native woodlands³*

Should the proposal be able to go ahead without a significant adverse impact on the integrity of the designated sites. A habitat management plan should be proposed that increases native woodland, improves SAC site condition and delivers net biodiversity gain.

A planting plan needs to include careful consideration of tree provenance and be accompanied by an updated deer management plan.

Dell estate is located in the eastern edge of the indicative boundary of Affric Highland. This project is at an early stage but there may be opportunities to deliver net biodiversity gain by delivering an increased area of compensatory planting on Dell estate or elsewhere in the project area and contribute to a landscape scale restoration project. Additionally, this project is part of the Highland LBAP.

² <https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/documents/>

³ <https://www.rspb.org.uk/globalassets/downloads/nature-recovery-plan--scotland/nature-recovery-plan.pdf>

<https://treesforlife.org.uk/about-us/affric-highlands/>

Peatland

Figure 5 indicates that areas of blanket bog will be lost due to inundation. Areas of raised bog will be lost to inundation. There is a need for a grid of detailed peat probing to determine how much deep peat will be affected.

Mitigation could include measures to restore areas of blanket bog elsewhere on the estate.

Canal House
1 Applecross St
Glasgow G4 9SP
www.scottishcanals.co.uk

Tel: 0141-332-6936

Julia Johnstone
Senior Environmental Scientist
17 February 2022

**RE: Kemp Pumped Storage Scheme
ECU0003398 Environmental Scoping Report**

Scottish Canals has reviewed the Environmental Scoping Report for the proposed Kemp Pumped Storage Scheme (ECU0003398) and wish to request that the following points in relation to the Caledonian Canal are considered as part of the Environmental Impact Assessment.

6. Water Management

Feedback from an Engineering Perspective

Overall the Environmental Scoping Report has summarised the key requirements for the Environmental Impact Assessment and reflected the previous consultation that has been held with Scottish Canals.

The assessment should include consideration of the cumulative effect of the proposal, along with the existing schemes at Foyers, Glen Doe and the approved 'Red John' scheme on Water Management, including canal operational considerations, asset fatigue through increased fluctuation and effects to flows to the River Ness from the Ness Weir on Loch Dochfour or other proposed alternative, taking cognisance of seasonal variations and considerations or implications to migratory species to which the detail of proposals may provide benefit.

Feedback from an Operational Perspective

The impact that varying water levels might have on Scottish Canals operations needs to be considered. This should include the use of leisure and commercial moorings at Dochgarroch West and the bottom of Fort Augustus as not all of the structures are floating pontoons, so access on and off jetties / wharves during the highest and lowest water levels should be assessed. How vessels can be securely and safely tied to such fixed berths and left unattended if levels can fluctuate regularly without notice should also be reviewed.

The impacts of fluctuating water levels on the lock operations by both operational and non-SC staff also needs to be considered.

Sediment deposition from non controlled river discharges create deltas within the canal. The Dochfour Burn in particular creates a hazard to navigation during normal water levels. Fluctuating water levels on Loch Dochfour may make the requirement to dredge the outfall of

Dochfour Burn more frequent and urgent, as shallower water pushes deeper drafted vessels across the channel, compromising the ability for vessels to pass in this area. The creation of a stilling basin on the Dochfour Burn upstream of the discharge point to the canal should be assessed as a possible solution in dealing with the sediment delta deposited in the canal, at low water levels.

12. Fish

Scottish Canals has a smolt sluice adjacent to the Dochgarroch Lock which must be fully operational between 1st April to 1 July annually to move salmon smolt from the entrance of the canal at Loch Dochfour back to the River Ness system. The assessment should consider the impact of fluctuating water levels on the smolt sluice and the fish pass within the Ness Weir.

If you wish to discuss Scottish Canals response please feel free to contact me via email on julia.johnstone@scottishcanals.co.uk

Julia Johnstone
Senior Environmental Scientist

Wednesday, 16 February 2022



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

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

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



Dear Customer,

Kemp Pumped Storage Scheme, Whitebridge, IV2 6UW
Planning Ref: ECU00003398
Our Ref: DSCAS-0056771-YBX
Proposal: Kemp Pumped Storage Scheme

Please quote our reference in all future correspondence

Audit of Proposal

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

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch Ness supplies Invermoriston Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number **0800 0778 778**.

From a water quantity perspective this activity is likely to be of low risk, however from a water quality point of view we need to ensure mitigations are implemented to reduce any risks that could affect our public drinking water supplies, especially given that there is a lot of other potential developments in this catchment.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if

there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.

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

We would request further involvement at the more detailed design stages, to determine the most appropriate proposals and mitigation within the catchment to protect water quality and quantity.

We would also like to take the opportunity, to request that 3 months in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk. This will enable us to be aware of activities in the catchment and to determine if a site meeting would be appropriate and beneficial.

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

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

Yours sincerely,

Angela Allison

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Dear Sir/Madam,

Please find attached the comment from the Stratherrick and Foyers Community Council for the scoping exercise for the proposed Loch Kemp pumped storage scheme.

Kind regards,

Sharon Ferguson

Admin

Stratherrick & Foyers Community Council

Redacted

This email is confidential and intended solely for the use of the individual to whom it is addressed. All views and opinions presented are those of the author and do not by any means represent those of Stratherrick & Foyers Community Council. If you are not the intended recipient, please be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. If you have received this email in error, please notify Stratherrick & Foyers Community Council



Dear Sir/Madam,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KEMP PUMPED STORAGE SCHEME

Stratherrick and Foyers Community Council would like to make the following comments -

1. **Environmental impact** – There is concern over the environmental impact that will be caused during the preliminary works and the construction of the proposed project. With a new road to be constructed right through the Whitebridge plantation, a compound, proposed camp as well as other compounds and lay down areas mentioned and the dammed area; this is an area with considerable wildlife resident including Golden Eagles. There is concern as to how much of their natural habitat will be destroyed in the pre-construction and the construction works that will be required as well as the displacement of wildlife that will occur due to noise throughout the period of construction. The issue of large quantities of water being pumped out of and back into Loch Ness from various locations, with Red John having approval and the potential of other schemes, the calculations and estimates of the effects that could be caused will need to be shown.
2. **Visual Impact** – The proposed dam will be visual from places in the Stratherrick and Foyers area including the Suidhe Viewpoint, which is on the Loch Ness 360 route. With tourism being the main economy for South Loch Ness, further deterioration of the mountains and the views will take its toll.
3. **Roads and Transport** – Both the B862 and the B851 are narrow and mostly single track roads as one would expect from B category roads in the Highlands and as such, were never designed for heavy construction vehicles and high levels of traffic. The adverse impact that large amounts of construction traffic will have on the structural integrity of these routes and the road safety standards encountered by local residents must be considered. Many sections already suffer from significant verge deterioration.
4. **Loss of amenity land** – The Whitebridge plantation is a very popular walking area for local residents and visitors alike. It is also used by horse riders as a safe off road hacking route. There are various circular routes available which is why it makes it a popular location.
5. **Proposed Camp** – Concerns were raised as to who would stay in the proposed camp given that Whitebridge is 25 miles from Inverness. Conversely, if the camp was to house the proposed 200-300 workforce, this would swamp the local area as there are no local facilities apart from 1 small hotel.
6. **Over saturation** – For some time, the Community Council have been very concerned about the amount of schemes that have planning and are being planned for the area and if they were all to go ahead, how this would be managed in the Community.

Kind regards,

Patrick Haston

Chair, Stratherrick and Foyers Community Council

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7379, Fax: 0141 272 7350
gerard.mcphillips@transport.gov.scot



Lee Crosbie
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Your ref:
ECU00003398

Our ref:
GB01T19K05

Date:
18/02/2022

Econsents_Admin@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR KEMP PUMPED STORAGE SCHEME.

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by ASH in support of the above development.

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

Proposed Development

The proposed development comprises a new 300MW pumped storage scheme, located approximately 13km north-east of Fort Augustus on the eastern shores of Loch Ness. The nearest trunk road to the scheme is the A82(T) at Fort Augustus.

The scheme will utilise the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. In order to allow drawdown for storage, Loch Kemp would be raised by approximately 28 m from its existing 177 m AOD elevation to approximately 205 m AOD. Four new saddle dams between 15 – 30 m high and four minor cut-off dams would be constructed around Loch Kemp to form the upper reservoir.

Assessment of Environmental Impacts

Chapter 15 of the SR details the proposed methodology for the assessment of the potential Traffic, Access and Transport impacts associated with construction of the scheme.

Site Access

We note that it is proposed that the scheme access will be taken from a new junction with the B862, approximately 700m south-west of the Whitebridge Hotel. As the B862 is a local road, Transport Scotland has no comment to make on the access junction itself.

Base Traffic

The SR states that the study area will include (in addition to local roads) the A82(T) (between Inverness and Fort William) and the A9(T). Base traffic data will be obtained from Department for Transport (DfT) traffic count data and the Traffic Scotland database for the trunk road network. We also note that National Road Traffic Forecast (NRTF) Low Traffic Growth assumptions will be used to provide a common future year baseline to coincide with the expected peak level of construction traffic. Transport Scotland is satisfied with this approach but would add that traffic flows from an appropriate year should be used, avoiding any influence of the COVID19 Global Pandemic. Data is also available from Transport Scotland and we would ask that the use of DfT “estimated” traffic flows from previous counts is avoided.

Assessment

We note that the Transport Assessment Guidance (Transport Scotland, 2012) and the thresholds as indicated within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic are to be used as a screening process for the assessment. The SR also indicates that potential trunk road related environmental impacts such as driver delay, pedestrian amenity, severance, safety etc will be considered and assessed where appropriate (i.e. where IEMA Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

This approach is considered acceptable, and we are content that no further assessment is required if the above thresholds are not exceeded.

It is noted that any impacts associated with the operational phase of the development are to be scoped out of the EIAR. We would consider this to be appropriate in this instance.

The SR states that a Construction Traffic Management Plan (CTMP) will be developed as part of the proposed development. This is welcomed and we would ask that a copy of this be forwarded when it becomes available.

Abnormal Loads Assessment

The SR states that where Abnormal Indivisible Loads (AIL) are required on site, a Route Survey Report will be provided to outline the access routes and associated mitigation required to physically accommodate movement of these loads.

This is acceptable, however, we would add that Transport Scotland will require to be satisfied that the size of AILs proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route. We would ask that this information is submitted as a technical appendix to the EIA.

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

Yours faithfully

Redacted

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

14th March 2022

Cameron Ross
Crosscut Forestry Ltd
Chehalis
The Coulags
Evanton
IV16 9XY

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, for the Kemp Pumped Storage Scheme

Thank you for consulting Scottish Forestry on the proposed pumped storage scheme.

Scottish Forestry (SF) is the Scottish Government agency responsible for policy, support and regulation of forestry sector in Scotland. As such SF comments on possible impact of development proposals on forests and woodlands.

As the proposed development area includes woodland, SF recommends that all impacts on woodland are set out in one section of the Environmental Impact Assessment Report (EIA Report) for the proposed development.

Any woodland removal for development purposes will be subject to Scottish Governments' Policy on Control of Woodland Removal (CoWRP). This policy seeks to avoid the removal of woodland, but where permanent removal is essential for development purposes the area must be replaced elsewhere by compensatory planting.

For more information please see: <https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal/viewdocument>

and <https://forestry.gov.scot/publications/349-scottish-government-s-policy-on-control-of-woodland-removal-implementation-guidance/viewdocument>

The EIA Report should set out how this policy has been applied and quantify any permanent woodland removal. Any proposed compensatory planting areas will be the subject of the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017, and therefore a separate application will be required to be submitted to SF for a formal opinion on whether consent is required. For more information please see: <https://forestry.gov.scot/support-regulations/environmental-impact-assessment>

Any additional felling which is not part of the planning application will require permission from SF under the Forestry and Land Management (Scotland) Act 2018 (the Act). For areas covered

by an approved Long Term Forest Plan (LTFP), the request for additional felling (and subsequent restocking) areas needs to be presented in form of LTFP amendment. Please see: <https://forestry.gov.scot/support-regulations/felling-permissions>

All proposed compensatory planting, felling and restocking proposals need to be compliant with requirements of UK Forestry Standard (UKFS). <https://forestry.gov.scot/sustainable-forestry/ukfs-scotland>

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

Yours Sincerely

Jonathan Hawick
Regulations & Development Manager
Jonathan.hawick@forestry.gov.scot



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Mr Lee Crosbie
Energy Consents Unit
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Our ref: FL/15

25 May 2022

Dear Lee

KEMP PUMPED STORAGE HYDRO SCHEME, FORT AUGUSTUS, HIGHLAND

Thank you for seeking comment from Marine Scotland Science (MSS) in relation to freshwater and diadromous fish and fisheries on the scoping report for the proposed Kemp pumped storage hydro scheme. We have read the report and the responses from NatureScot (NS), Scottish Environment Protection Agency (SEPA), Scottish Canals and the Ness District Salmon Fishery Board (DSFB).

The proposed development consists of the construction of a 300 MW pumped hydro-electric storage scheme using the existing Loch Kemp as the upper storage reservoir and Loch Ness as the lower reservoir. Dams will be constructed to raise the level of Loch Kemp and a powerhouse and jetty will be constructed on the shore of Loch Ness. Underground water and access tunnels, ground access tracks and a borrow pit are also included in the project proposal.

The proposed development area drains into and includes the shores of Loch Ness. Atlantic salmon, brown/sea trout (including the long-lived, piscivorous ferox trout), Arctic charr, European eel and pike are found in Loch Ness. These fish are of high conservation interest and support important fisheries. Atlantic salmon are listed in the Habitats Directive Annex V and salmon, trout, charr and European eel are listed as priority species for conservation in

the Scottish Biodiversity List. The River Moriston drains into Loch Ness and this river is a Special Area for Conservation (SAC) with salmon and freshwater pearl mussel qualifying features for this designation status. Brown trout and stocked rainbow trout support fisheries in Loch Kemp and Loch Paiteag. Smaller lochs in the proposed development area support additional brown trout fisheries.

MSS agree with the concerns raised by the Ness DSFB and NS regarding the potential impacts of the proposed development on migratory salmonids that use Loch Ness to travel to and from their marine feeding grounds. SEPA similarly expressed concerns regarding potential impacts on smolt movements specifically in relation to Loch Dochfour as Dochfour weir may be a partial barrier to migratory fish in certain flow conditions. We welcome the proposal by the developer to carry out surveys to identify fish species and their habitats within the watercourses and areas of the lochs which could be at risk of being impacted as a result of the proposed development. We advise that full details and further discussion of surveys including methodology e.g. eDNA, smolt/adult trapping, acoustic sampling, electrofishing and the survey results should be presented in the Environmental Impact Assessment (EIA) report. Similar to NS we advise that the EIA report should include the different habitat use by fish species within the waterbodies e.g. spawning areas of used by Arctic charr and ferox trout in Loch Ness. The associated fisheries of the different fish species should also be considered.

The information on the presence of fish species and their habitat use should be used to assess the potential impacts of the construction and operation of the proposed development on the fish populations and associated fisheries. These impacts could include the following:

- entrainment into intakes in fast flowing water and MSS support the advice provided by NS in the need to monitor any entrainment of smolts;
- impingement screens including the smolt sluice adjacent to the Dochgarroch Lock, as discussed by Scottish Canals;
- changes in water quantity and flow regimes through abstraction and discharge.

Although the maximum and minimum level limits of Loch Ness are to remain within the current limits MSS agree with NS and the Ness DSFB regarding the potential cumulative impact of the proposed development and other existing developments (e.g. the existing pumped storage hydroelectric scheme at Foyers, the consented Red John pumped storage hydroelectric scheme and Caledonian Canal) on the water levels and flow rates in and out of Loch Ness which may have an impact on migratory

salmonids. Flow regimes are likely to differ in Allt ant-Sluichd (the watercourse flowing from Loch Kemp to Loch Ness) and Loch Kemp where water levels are likely to rise by approximately 28 m;

- deterioration of water quality e.g. through the release of sediment associated with excavation works in the construction of dams, access tracks and tunnels, and the spillage of hydrocarbons;
- disturbance or removal of valuable fish habitat;
- altering fish behaviour, disturbance, injury or mortality resulting from noise and vibration associated with the construction and operation of the pumped storage scheme;
- risk to fish migration; and
- spread of invasive non-native species (INNS). We endorse the advice provided by SEPA, the lead organisation for INNS in Scottish freshwater habitats, regarding a number of known INNS in the Ness catchment.

In agreement with Ness DSFB, NS and Scottish Canals and as outlined in the EIA Regulations, MSS advise that a cumulative impact assessment on the fish populations as a result of the present proposal and other local developments (operational and consented) should be carried out and discussed by the developer in the EIA report. This assessment should inform appropriate mitigation measures and monitoring requirements.

Proposed mitigation measures (e.g. the avoidance of identified valuable fish habitat, appropriate screen mesh size and velocity of water approaching water inlets, and monitoring of water quantity and quality and fish behaviour and migration patterns) should be drawn up to avoid and/or minimise any potential impacts and full details of all mitigation should be provided in the EIA report.

The Ness DSFB and NS discuss monitoring of fish populations and we advise that the developer should consider such monitoring (e.g. smolt/adult trapping, acoustic telemetry) to identify any impacts (including cumulative impacts) on fish populations, should they occur, throughout the construction and operation of the proposed development. Full details of proposed monitoring should be discussed in the EIA report.

All works should be carried out in accordance with SEPA regulations under the Controlled Activity Regulations (CAR) licence conditions, licensing requirements for fishing methods

(<https://www.gov.scot/publications/consent-to-catch-salmon-or-other-freshwater-fish-forms-and-guidance/>), biosecurity (<https://www.gov.scot/publications/introduction-of-freshwater-fish-and-ova/> and <https://www.sepa.org.uk/media/163480/biosecurity-and-management-of-invasive-non-native-species-construction-sites.pdf>) and follow best practice construction techniques.

Further information can be found at the following websites:

- <https://www.nature.scot/sites/default/files/2020-11/NatureScot%20SEPA%20SR%20Guide%20to%20Hydropower%20Construction%20Good%20Practice%20-%202020.pdf>
- <https://www.sepa.org.uk/regulations/water/guidance/>
- <https://www.sepa.org.uk/regulations/water/hydropower/>
- <https://www.sepa.org.uk/media/152049/wat-sg-74.pdf>
- https://www.sepa.org.uk/media/150984/wat_sg_28.pdf
- <https://www.sepa.org.uk/media/152075/wat-sg-89.pdf>
- <https://www.gov.scot/publications/onshore-renewables-interactions/>
- <https://www.gov.scot/publications/hydro-schemes-planning-advice/>

In summary, MSS advise that full details regarding the proposed fish surveys, results from the fish surveys of fish species and their habitat use and the potential impacts (including potential cumulative impacts) on fish populations should be presented in the EIA report. Appropriate mitigation measures to minimise and/or avoid potential impacts on fish and associated fisheries and full details on proposed monitoring should also be discussed in the EIA report.

Kind regards,

Dr Emily E. Bridcut