

*Loch Kemp Storage - EIA Report*  
*Appendix 5.4: Gate Check Matrix*

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## Appendix 5.4: Gate Check Matrix

### Abbreviations

SEPA	Scottish Environmental Protection Agency
NS	NatureScot
HES	Historic Environment Scotland
MD-SEDD	Marine Directorate, Science, Evidence, Data and Digital
SF	Scottish Forestry
TS	Transport Scotland

No.	Subject	Summary of Response	Consultee	Response / Comments	EIA Report Reference
1	Forestry	The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Scottish Government's Policy on Control of Woodland Removal clearly sets out a strong presumption in favour of protecting Scotland's woodland resources.	SF	<p>As the powerhouse needs to be located on the eastern shore of Loch Ness, some woodland loss, including ancient woodland, is unavoidable, but the scheme has been designed to reduce impacts on woodland as far as possible, as detailed in Volume 1 Chapter 2: Design Evolution and Alternatives.</p> <p>Wider compensatory woodland creation, to accord with the Scottish Governments' Policy on Control of Woodland Removal, is detailed in Chapter 19: Forestry, and includes a Woodland Management Plan and Compensatory Planting and Maintenance Plan.</p> <p>Compensatory measures for the loss of qualifying woodland habitat within the Ness Woods SAC would be undertaken, as detailed in the Compensatory Measures Package contained within the Derogation Report.</p>	<p>Volume 1: Chapter 2: Site Selection and Design Evolution, Sections 2.8 &amp; 2.9</p> <p>Volume 1: Chapter 10: Terrestrial Ecology.</p> <p>Volume 1: Chapter 19: Forestry – Woodland Management Plan</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p> <p>Compensatory Measures Package contained within Section 4 of the Loch Kemp Storage: Case for Derogation (Supporting Document)</p>
2	Forestry	Applicants are expected to develop their proposal with minimal woodland removal. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits.	SF	<p>The Proposed Development has been designed to limit the removal of woodland as much as possible as described in Volume 1: Chapter 2: Design Evolution and Alternatives), however, some woodland removal is unavoidable. This has been outlined in Volume 1: Chapter 10: Terrestrial Ecology and Volume 1, Chapter 19 Forestry. A Woodland Management Plan for the Proposed Development is included in Volume 4, Appendix 19.2.</p>	<p>Volume 1: Chapter 2: Site Selection and Design Evolution</p> <p>Volume 1: Chapter 10: Terrestrial Ecology.</p> <p>Volume 1: Chapter 19: Forestry</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>

3	Forestry	<p>The following criteria for determining the acceptability of woodland removal should be considered relevant to this application –</p> <p><b>Woodlands with a strong presumption against removal</b> - Only in exceptional circumstances should the strong presumption against woodland removal be overridden. Proposals to remove these types of woodland should be judged on their individual merits and such cases will require a high level of supporting evidence.</p> <p>Where woodland removal is justified, the Compensatory Planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.</p>	SF	<p>The Proposed Development has been designed to limit the removal of woodland as much as possible as described in Volume 1: Chapter 2: Design Evolution and Alternatives), however, some woodland removal is unavoidable. Potential impacts of the Proposed Development on non-commercial woodlands is assessed in Volume 1: Chapter 10: Terrestrial Ecology and potential impacts of the Proposed Development on commercial woodlands is assessed in Volume 1, Chapter 19 Forestry.</p> <p>Compensatory woodland creation would be provided to compensate for woodland lost, to accord with the Scottish Government's policy on the Control of Woodland Removal, as detailed in Volume 1, Chapter 19: Forestry and Volume 4, Appendix 19.2: Woodland Management Plan.</p>	<p>Volume 1: Chapter 2: Site Selection and Design Evolution</p> <p>Volume 1: Chapter 10: Terrestrial Ecology.</p> <p>Volume 1: Chapter 19: Forestry</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>
4	Forestry	<p><b>Woodland removal with a need for compensatory planting</b> - Design approaches that reduce the scale of felling required and/or converting the type of woodland to another type (such as from tall conifer plantation to low-height, slow growing woodland), must be considered from the earliest stages, rather than removing the woodland completely.</p> <p>The purpose of any required CP is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.</p>	SF	<p>Compensatory woodland creation would be provided to compensate for woodland lost, to accord with the Scottish Government's policy on the Control of Woodland Removal, as detailed in Chapter 19: Forestry and Appendix 19.2: Woodland Management Plan.</p>	<p>Volume 1: Chapter 19: Forestry</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>

5	Forestry	<p>Adopted and published by Scottish Ministers on Monday 13 February 2023, National Planning Framework 4 - Policy 6 Forestry, Woodlands and trees identifies several themes that should be considered relevant to this application –</p> <p>b) Development proposals will not be supported where they will result in:</p> <p>i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;</p> <p>ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;</p> <p>iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;</p> <p>c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.</p> <p>d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and</p>	SF	<p>Relevant policy is considered in Chapter 6: Planning.</p> <p>The Proposed Development has been designed to limit the removal of woodland as much as possible as described in Volume 1: Chapter 2: Design Evolution and Alternatives), however, some woodland removal, including ancient woodland, is unavoidable. Potential impacts of the Proposed Development on non-commercial woodlands is assessed in Volume 1: Chapter 10: Terrestrial Ecology and potential impacts of the Proposed Development on commercial woodlands is assessed in Volume 1, Chapter 19 Forestry.</p> <p>Compensatory woodland creation and management for Ness Woods SAC would be undertaken as detailed in the Compensatory Measures Package specific to Ness Woods SAC, in the Derogation Report.</p> <p>Wider compensatory woodland creation, to accord with the Scottish Governments' Policy on Control of Woodland Removal, is detailed in Chapter 19: Forestry, and includes a Woodland Management Plan and Compensatory Planting and Maintenance Plan.</p>	<p>Volume 1: Chapter 2: Site Selection and Design Evolution</p> <p>Volume 1: Chapter 6: Planning</p> <p>Volume 1: Chapter 10: Terrestrial Ecology.</p> <p>Volume 1: Chapter 19: Forestry</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p> <p>Compensatory Measures Package contained within Section 4 of the Loch Kemp Storage: Case for Derogation (Supporting Document)</p> <p>Planning Statement (Supporting Document)</p>
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		Woodland Strategy) are integrated into the design.			
6	Forestry	<p>The application area contains woodland for which there is a strong presumption against removal, as described in the policies set out in this letter. In preparation of the EIA report Scottish Forestry encourage the developer to consider statement in the CoWRP relating to woodland for which there is a strong presumption against removal:</p> <p>“Where woodland removal is justified, the Compensatory Planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.”</p>	SF	Compensatory woodland creation would be provided to compensate for woodland lost, to accord with the Scottish Government’s policy on the Control of Woodland Removal, as detailed in Chapter 19: Forestry and Appendix 19.2: Woodland Management Plan.	<p>Volume 1: Chapter 19 Forestry.</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>
7	Forestry	<p>Scottish Government’s policy on control of woodland removal: implementation guidance February 2019 provides guidance on the level and detail of information Scottish Forestry will expect within the Page 3 EIA Reports Forestry Chapter, to help us reach an informed decision on the potential impact of the proposed development.</p>	SF	Compensatory woodland creation would be provided to compensate for woodland lost, to accord with the Scottish Government’s policy on the Control of Woodland Removal, as detailed in Chapter 19: Forestry and Appendix 19.2: Woodland Management Plan.	<p>Volume 1: Chapter 19 – Forestry.</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>
8	Forestry	<p>Scottish Forestry acknowledge that detailed information on compensatory planting proposals will be provided. All felling, restocking and compensatory planting proposals must be compliant with the UK Forestry Standard.</p>	SF	Noted. All felling, restocking and compensatory planting proposals as set out in Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development) must be compliant with the UK Forestry Standard.	<p>Volume 1: Chapter 19 – Forestry.</p> <p>Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)</p>

9	Forestry	Any additional felling which is not part of the planning application will require permission from Scottish Forestry 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 the form of LTFP amendment.	SF	Noted.	Volume 1: Chapter 19: Forestry.
10	Forestry	The Applicant should note that any compensatory planting required as a result of the Proposed Development, may also need to be considered under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 and should follow the process for preparing a woodland creation proposal.	SF	Noted.	Volume 1: Chapter 19: Forestry. Volume 4, Appendix 19.2: Woodland Management Plan (Plan with Proposed Development)
11	Fish	MD-SEDD note that a "loch fish habitat assessment" was undertaken. However, there is no reference in the report to fish population surveys/assessment carried out in the lochs despite the scoping report stating that fish surveys will be carried out in Loch Ness and Loch Kemp.	MD-SEDD	It was concluded that destructive sampling techniques for sensitive species would not be appropriate where there is already available existing literature on fish populations within Loch Ness and Loch Kemp. Information on fish populations was obtained via desk study. In the absence of fish population data, the assessment uses the precautionary principle that fish species considered important ecological features (IEFs) may be in close proximity to the proposed development (including resident and migratory fish).	Volume 1: Chapter 13: Fish.
12	Fish	MD-SEDD advise that up-to-date information on the fish populations in Loch Ness around the vicinity of the Proposed Development and in Loch Kemp should be sought. MD-SEDD reiterate previous advice	MD-SEDD	The assessment on fish populations includes assessment on salmon, sea trout, ferox trout and Arctic charr populations, spawning suitability for Arctic charr as well as other fish species including European eel, brook, river and sea lamprey in Loch Ness and an assessment of potential cumulative impacts in operation with the Foyers	Volume 1: Chapter 13: Fish.



		that full details of fish survey work should be provided in the EIA Report.		PSH (operational) and Red John PSH (consented).	
13	Fish	Both fish habitat and population data should be used to inform the assessment on fish populations. The latter is outlined in Appendix 1 of the gate check report and should include an assessment on salmon, sea trout, ferox trout and Arctic charr populations, spawning suitability for Arctic charr in Loch Ness and an assessment of potential cumulative impacts in operation with the Foyers and Red John Pumped Storage Schemes.	MD-SEDD	The assessment on fish populations includes assessment on salmon, sea trout, ferox trout and Arctic charr populations, spawning suitability for Arctic charr as well as other fish species including European eel, brook, river and sea lamprey in Loch Ness and an assessment of potential cumulative impacts in operation with the Foyers PSH (operational) and Red John PSH (consented).	Volume 1: Chapter 13: Fish.
14	Fish	Similarly an assessment should be considered by the developer on the fish populations in Loch Kemp where the water level is likely to be raised by up to 28 m.	MD-SEDD	Using the precautionary principle, brown trout were considered to be widespread within Loch Kemp. Fish population surveys on the tributaries of loch kemp also recorded brown trout as the only fish species present. An assessment is made on impacts on brown trout in Section 13.8.20 of Volume 1: Chapter 13: Fish.	Volume 1: Chapter 13: Fish.
15	Fish	Information on fish habitat and populations within both lochs should also be used to draw up appropriate fish protection/mitigation measures, including fish screens at water inlets, monitoring of flow velocity specifically at the mouth of the River Moriston and in front of fish screens and controlled operation times during sensitive periods e.g. smolt migration times.	MD-SEDD	Embedded mitigation regarding curtailment of the Proposed Development during operation and proposed fish screening is addressed in Section 13.7 of Volume 1: Chapter 13: Fish.	Volume 1: Chapter 13: Fish.
16	Fish	MD-SEDD welcome the proposed electrofishing surveys and we advise that fully quantitative electrofishing surveys should be carried out in all watercourses that are likely to be impacted by the proposed development, including the River	MD-SEDD	Electrofishing surveys were conducted on the Allt a'Chinn Mhonaich, Allt Paiteag and Allt Leachd Gowerie. Surveys were unable to be conducted on the Allt an t-Sluichd due to exceptionally low water levels during the 2022 season, with fish	Volume 1: Chapter 13: Fish.

		Moriston SAC, Allt an t-Sluichd, and Allt a'Chinn Mhonaich.		mortality evident in the watercourse due to lack of flow.	
17	Fish	MD-SEDD welcome the detailed assessment of the potential impacts of the proposed development on the River Moriston SAC. Full details of this assessment and other watercourses should be presented in the EIA report.	MD-SEDD	Potential impacts of the Proposed Development on the qualifying interests of the River Morriston SAC are assessed as part of the Shadow HRA, which is included as a standalone document to the section 36 application.	Volume 1: Chapter 13: Fish. Shadow Habitats Regulation Appraisal (Supporting Document)
18	Fish	<p>MD-SEDD welcome the proposed tracking studies of salmonid adults and/or smolts in Loch Ness. MD-SEDD welcome the intention of the developer to make use of existing salmonid migration data in Loch Ness and associated tributaries. The report on the Moray Firth River Ness Missing Salmon Project (reference below) provides useful information.</p> <p>MD-SEDD advise that tracking studies should be carried out to assess the potential impact of the proposed development on the behaviour of salmonid smolts and adults (including smolts and adult salmonids migrating to and from the River Moriston SAC) in the vicinity of the proposed development during the construction and the operation of the development.</p> <p>These studies should also consider the potential cumulative impacts on salmonid populations migrating through Loch Ness associated with the proposed development and other developments in Loch Ness.</p> <p>Details of the proposed study should be presented in the EIA Report along with details on long term monitoring that is discussed in Appendix 1 of the report.</p>	MD-SEDD	<p>Whilst the Applicant acknowledges that there would be benefit in tracking studies being undertaken in the wider context and willing to make a contribution towards this research, they do not consider it reasonable to undertake such studies as part of the EIA assessment for the Proposed Development, particularly given the timeframes that would be required to obtain meaningful results from such studies, and note that the completion of such research has not been a requirement for other recently consented PSH schemes.</p> <p>The Applicant has made a commitment to Ness DSFB on a without prejudice basis to contribute to further research and practical measures that might be employed to benefit Atlantic salmon. Options that are being considered are tracking surveys, trap and transport, reintroduction of hatcheries and a bubble curtain across the Canal at Dochfour. Both the Applicant and NDSFB recognise that any research and measure to be employed will require the cooperation of other stakeholders to be fully successful. An appropriately designed fish deterrent system would be installed at the intake of the Proposed Development in Loch Ness, which would deter smolts from the intake. This measure would serve as mitigation for the Proposed</p>	<p>Volume 1, Chapter 5: Scoping and Consultation</p> <p>Volume 1: Chapter 13: Fish.</p> <p>Volume 4, Appendix 5.5: Further Consultation with Consultees.</p>

				Development and is discussed in <b>Section 13.9</b> of Volume 1: Chapter 13: Fish.	
19	Cultural Heritage	<p>We note from the Gatecheck Report that amendments have been made to scheme since scoping. The generating capacity is proposed to be increased from 300MW to 600MW, and a twin tunnel configuration is proposed for the underground tunnels between the upper and lower reservoirs (Section 3.1.2). The two amendments above do not raise issues for our interest.</p> <p>In addition, the height of the four new saddle dams is proposed to be increased from between 15m to 30m high to 16 to 34m high (Section 2.1.5). We have not received a consultation for this revision.</p>	HES	Noted	Volume 1: Chapter 15: Cultural Heritage
20	Cultural Heritage	HES understand that a Cultural Heritage Assessment will be included as part of the EIA Report, and we welcome that the Applicant has indicated in the responses to our previous comments (Appendix 1 of the Gatecheck Report) HES2 and HES3 that the assessment will include reference to the EIA Handbook and consider the advice in our Managing Change guidance note on Setting.	HES	Noted. The Cultural Heritage assessment included in Volume 1: Chapter 15: Cultural Heritage includes reference to the EIA Handbook and consider the advice in our Managing Change guidance note on Setting.	Volume 1: Chapter 15: Cultural Heritage
21	Cultural Heritage	HES also have a textual comment on the applicant's response to our previous comment HES1, where "any further consultation undertaken by HES..." should read "any further consultation with HES".	HES	Noted	Volume 1: Chapter 15: Cultural Heritage
22	Grid Connection	The grid connection route could have direct consequences for the woodland features of the Ness Woods SAC. Depending on the	NS	The Applicant can confirm that the grid connection route would be via a tunnel under the SAC to a tunnel portal outwith the SAC, and would therefore not adversely affect the Ness	Volume 1, Design Evolution and Alternatives, Sections 2.7 – 2.9.

		<p>route this could have the potential to further impact the SAC.</p> <p>We acknowledge that applicant anticipates the connection route will be via tunnel (section 4.416), thus avoiding further land take but this has not yet been confirmed. Should the tunnel option not be viable the applicant would need to seek alternatives.</p> <p>Therefore, in the EIAR the applicant should include confirmation from SSE that the grid connection will be via the tunnel. If this cannot be provided, then alternative options should be assessed in the cumulative impact assessment and included in the EIAR.</p>		<p>Woods SAC. This element of the work forms part of the section 36 application. A buried cable would then follow a track outwith the SAC between the tunnel portal and a new stitching station near Dell Farm, under 'Associated Works'. The cable (both within the tunnel and the buried cable) and switching station platform will form a separate application(s) to be submitted by the Applicant but is considered in this EIA Report (where relevant) under 'cumulative effects'. Therefore, the consenting responsibility for the tunnel and cable to the new switching station platform will lie with the Applicant and the new switching station equipment and the buried cable to Foyers Substation, will lie with SSEN Transmission.</p>	
23	River Moriston SAC	<p>NS have not yet had the opportunity to view the detail of the Shadow HRA for the River Moriston SAC, and recommend the Applicant shares a copy of their draft HRA prior to the application being submitted.</p>	NS	<p>Due to time constraints as a result of the deadline imposed by ECU for any Section 36 applications to be advertised this year needing to be received no later than 20 November 2023, there is insufficient time for NatureScot to review and provide comment on the draft River Moriston Shadow HRA and for any meaningful changes being made by the Applicant, in advance of the section 36 submission. The Applicant would be happy to continue to engage with NatureScot post submission, if necessary, to ensure a satisfactory outcome.</p>	<p>Volume 1: Chapter 13: Fish. Shadow Habitats Regulation Appraisal (Supporting Document)</p>
24	River Moriston SAC / Fish	<p>NS that the Applicant does not propose to carry out smolt monitoring in Loch Ness due to time constraints for this application. However, it should be noted that this information may be required to complete the HRA and NS may need to request this survey work during the application process.</p>	NS	<p>The Applicant's position is that the findings and conclusions of the assessments carried out (EIA and Shadow HRA), including the mitigation measures proposed, would not change even if there were better information about smolt behaviour available.</p> <p>The Applicant has, nevertheless, made a commitment to Ness DSFB to contribute to</p>	<p>Volume 1, Chapter 5: Scoping and Consultation Volume 1: Chapter 13: Fish. Volume 4, Appendix 5.5: Further Consultation with Consultees.</p>

				<p>further research and practical measures that might be employed to benefit Atlantic salmon in Loch Ness. This commitment is on a without prejudice/goodwill basis, not because it is required by the Proposed Development and is subject to the necessary rights being available at an acceptable cost. Options that are being considered are tracking surveys, trap and transport, reintroduction of hatcheries and a bubble curtain across the Canal at Dochfour. The option of tracking surveys would provide more information on smolt behaviour / movements but both the Applicant and Ness DSFB recognise that any research and measure to be employed will require the cooperation of other stakeholders to be fully successful. The Applicant has actively tried to engage with other key stakeholders associated with Loch Ness on numerous occasions over the past eighteen months. However, this has not been taken up by other parties who are necessary to ensure that any such study is meaningful.</p>	<p>Shadow Habitats Regulation Appraisal (Supporting Document)</p>
25	Water Levels and Flooding	<p>NPF4 has been adopted since the formal scoping process was completed and will need to be taken into consideration in determination of the application. SEPA has recently updated its scoping advice in relation to two elements which are relevant to this project and we take the opportunity to highlight the related revised advice now:</p> <p>In relation to point 93 in the Report Table, NPF4 requires climate change to be taken into consideration when assessing flood risk – as a result all significant watercourse crossings should now be designed to accommodate the 0.5% Annual Exceedance Probability flow (the 1 in 200</p>	SEPA	<p>Relevant policy is considered in Chapter 6: Planning.</p> <p>Included in development proposals, see Section 14.7: Embedded Mitigation in Volume 1: Chapter 14: Geology, Soils and Water and Volume 4, Appendix 14.3: Schedule of Watercourse Crossings.</p>	<p>Volume 1: Chapter 6: Planning</p> <p>Volume 1: Chapter 14: Geology, Soils and Water</p> <p>Volume 4, Appendix 14.3: Schedule of Watercourse Crossings.</p>

		year event) plus an allowance for climate change.			
26	Peatland	In relation to peatlands Policy 5 in NPF4 more explicitly requires consideration of habitat condition and we ask that a figure is included that shows the differing condition of peatland on this site. This can be based on a mixture of aerial photography and the habitat information that has already been collected and we now request that it is divided into the classes used in the NatureScot guidance.	SEPA	<p>Relevant policy is considered in Chapter 6: Planning.</p> <p>This policy has been addressed in Volume 4, Appendix 14.1: Peat Management Plan (including Figure 14.1.4).</p>	<p>Volume 1: Chapter 6: Planning</p> <p>Volume 1: Chapter 14: Geology Soils and Water.</p> <p>Volume 4, Appendix 14.1: Peat Management Plan (including Figure 14.1.4).</p>
27	Transport	TS note that the comments provided in our February 2022 response are presented in the Gate Check Matrix and confirms that these points will be dealt with in the EIA Report as requested. Transport Scotland is, therefore, satisfied that no further comment is required from us at this time and we look forward to receiving the EIA Report in due course.	TS	<p>Noted. The points raised by TS Scoping have been addressed in Volume 1: Chapter 16 – Traffic, Access and Transport and Volume 4, Appendix 16.1: Transport Assessment.</p>	<p>Volume 1: Chapter 16: Traffic, Access and Transport</p> <p>Volume 4, Appendix 16.1: Transport Assessment.</p>