

FEARNA STORAGE

Fearna Pumped Storage Hydro Scheme

Planning Statement

February 2025



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Fearna Pumped Storage Hydro

Supporting Planning and Energy Policy Statement

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1. Introduction

- 1.1. This Planning Statement has been prepared by Savills UK Limited on behalf of Fearna PSH Limited (The Applicant). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a Pumped Storage Hydro (PSH) scheme with a generating capacity of up to 1,800 Megawatts (MW) (the Proposed Development).
- 1.2. A description of the Proposed Development and its individual components is set out in Chapter 2: 'The Proposed Development' of the Environmental Impact Assessment Report (EIA Report).
- 1.3. This Planning and Energy Policy Statement accompanies the EIA Report for the Proposed Development. It does not form part of the EIA Report but draws upon its findings to inform conclusions on planning and energy policy matters.
- 1.4. At the same time as seeking S36 consent, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. The Applicant is seeking consent for a permanent use.
- 1.5. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application made under the Planning Act. Rather, weight can be attributed by the decision maker to all material considerations including the various levels of national and local energy and planning-related policy and guidance as deemed appropriate.
- 1.6. This Planning and Energy Policy Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy and local planning policy. It considers the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIA Report. It also gives consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.
- 1.7. In addition to seeking Section 36 consent and deemed planning permission, consent under other consenting regimes may be required, including consent under the Reservoirs (Scotland) Act 2011 which relates to the construction, alteration and management of certain reservoirs, including matters relating to flood risk. A Controlled Regulations Activities (CAR) licence will also be required from SEPA in relation to water abstraction activities. Applications for those consents will be subject to separate processes.
- 1.8. This Planning and Energy Policy Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows:
 - Section 2 Electricity Act – Schedule 9;
 - Section 3 Proposed Development and Site Description;
 - Section 4 The Energy Policy Context;
 - Section 5 The Development Plan Framework; and
 - Section 6 Conclusions.

2. Electricity Act – Schedule 9

- 2.1. A decision on this S36 application under the Electricity Act is the principal decision to be made in this case. The Applicant is a generating licence holder and Schedule 9 paragraph 3 to the Electricity Act requires that a licence holder or a person authorised by exemption to generate, distribute, supply, or participate in the transmission of electricity shall:-

‘have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest’

- 2.2. Schedule 9 paragraph 3 continues and states that the licence holder, or a person benefiting from an exemption, is to do ‘what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects’.
- 2.3. The Scottish Ministers as decision maker are required to have regard to the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9 (paragraph 3(2)(a)) as summarised above, and to also consider the extent to which those formulating the proposals has done what he reasonably can to mitigate the effects of the proposals.
- 2.4. Through the design evolution and the EIA process, the Applicant has sought to avoid significant environmental impacts arising from the Proposed Development and to then mitigate those that have been identified. These details are set out in the various chapters forming the EIA Report that is submitted with the application.

3. Proposed Development and Site Description

The Proposed Development

- 3.1. The Proposed Development would essentially create a large-scale long duration electricity storage (LDES) scheme with up to 1,800MW generation capacity to store and release energy to or from the electricity transmission system, to help balance supply and demand for power at a national scale. The electricity storage capacity of the Proposed Development will be up to 36 GigaWatt Hours (GWhr), which equates to 20 hours of generation at 1,800 MW. The pumping capacity would be rated up to 1,980 MW which would allow renewable energy projects to continue operating by importing that energy to the Proposed Development, avoiding the need to constrain (turn off) renewable energy generators.
- 3.2. The Proposed Development would operate by transferring water between a lower reservoir, Loch Quoich, and an upper reservoir, Loch Fearn. Loch Quoich was dammed in the 1950s at both its east and west ends to create the storage for the Quoich Hydro project. Loch Quoich operates on a 26 metre (m) vertical range i.e. the difference between the high and low water points, and therefore this water body is already subject to significant modification by existing hydropower infrastructure in the area, including dams, a reservoir with fluctuating water levels and associated drawdown scarring, an intake tower, control building and a power station downstream.
- 3.3. Once operational, the Proposed Development would operate in two modes:-
- 'generating' mode during periods of low supply / high demand, when electricity would be generated by releasing water from the upper reservoir (Loch Fearn) through the reversible pump turbines and into the lower reservoir (Loch Quoich), and exported to the electricity grid; or
 - 'pumping' mode, when surplus electricity in the electricity grid would be used to power the reversible pump turbines to pump water from the lower reservoir to the upper reservoir, to be stored to allow generation when required.
- 3.4. The Proposed Development will utilise the storage reservoir of the existing Quoich Hydro conventional hydro generation scheme as the lower reservoir. Loch Quoich is one of the largest storage reservoirs in the UK and the Proposed Development will require around 11% of the available storage to fill the upper reservoir (Loch Fearn).
- 3.5. PSH schemes are essentially large scale batteries. In the 'generating' mode they can be considered renewable as the electricity generated by releasing water from the upper reservoir to the lower reservoir drives turbines, which generates electricity. Power is required to pump water from the lower reservoir to the upper reservoir in the 'pumping mode' and in that sense PSH is not a renewable energy scheme in the same way as a wind farm, for example. It is however, described as '*a reliable source of renewable electricity*' (underlining added) in the Scottish Government's Draft Energy Strategy and Just Transition Plan¹ (2023). As that document notes, the technology will play an increasingly important role in the transition to net zero, providing flexibility services to the grid and helping to secure a resilient and secure energy supply.

¹ <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/>

3.6. A detailed description of each of the components that make up the Proposed Development is set out in EIA Report Chapter 2 'The Proposed Development' but in summary it comprises the following key permanent components, see also EIA Report Figure 2.2 'Scheme Arrangement': -

- **Construction of the Loch Fearna Upper Reservoir.**

- Two rockfill dams (referred to as Fearna Dam and Coire Dubh Dam) would be constructed to allow the reservoir to store water between the levels of 540m above ordnance datum (AOD) and 600m AOD. This would provide storage of approximately 40 million m³ of water. The dams would be of similar appearance and construction to the existing Quoich Dam.

- **Loch Quoich Lower Reservoir**

- Loch Quoich is currently used as a storage reservoir for the operational 19MW Quoich hydro scheme and provides approximately 360 million m³ of water storage for hydro generation. The total volume of Loch Quoich when full is in the region of 560 million m³. The Proposed Development would utilise some of this storage but without affecting the existing operational arrangements for the Quoich hydro scheme. No modifications are required to the existing Quoich dam nor to any of its associated structures and facilities.

- **An underground tunnel system**

- Water will be transferred between the two reservoirs via an underground tunnel system which will involve two headrace tunnels connecting Fearna Reservoir to the powerhouse; an access tunnel from the powerhouse ground level area to the headrace tunnels and powerhouse shafts lower level; and six tailrace tunnels, one between each powerhouse shaft and Loch Quoich.

- **A powerhouse**

- The powerhouse and switchyard would be located on the shores of Loch Quoich, partially within a disused former quarry which was created in the 1950s to win rock for the Quoich dam. The level of the existing quarry floor would be raised, as well as excavating a bench in the slope above Loch Quoich to accommodate the main powerhouse building. The material for increasing the quarry floor level would be won from the excavation for the powerhouse area and other rock arisings as required.
- The powerhouse would comprise vertical shafts approximately 90m deep which would house the pump-turbine units and ancillary equipment, with a superstructure above. The powerhouse superstructure measures 400m long by 42m wide by 15m high, with further details provided on EIA Report Figures 2.11 – 2.13. The building has been designed to be sympathetic to the surrounding landscape and utilises naturally available materials where possible. It would have a grassed roof and the front elevation would be faced with naturally sourced material from the site to create a vegetated rock façade. Parking would also be provided, including provision for electric vehicle charging. Further details on the design approach to the Proposed Development and powerhouse are set out in the submitted Design Statement.

- **Switchyard**

- Electrical works associated with connecting the project to the National Grid would also be provided adjacent to the powerhouse within a switchyard sited within the disused quarry, see EIA Report Figure 2.12. This switchyard would provide the interface between the Proposed Development and the transmission network, with switchgear to allow the isolation of the Site from the network during maintenance and faults. For clarity, the footprint of the switchyard area and electrical equipment that would be owned by the Applicant is included within this application.

The electrical equipment and associated infrastructure which forms part of the Transmission Network will be consented by the Transmission Owner (SSENT).

▪ **A new junction off the A87 and bridge over the River Garry**

- The existing forestry junction off the A87 and bridge over the River Garry are unsuitable for the construction traffic which will need to access the Proposed Development. A new junction and bridge are proposed as shown on EIA Report Figures 2.21 and 2.22.
- The new access from the A87 forms the first element of the Southern Access Route (SAR) to the Site which comprises elements of new and upgraded existing tracks through the Glen Garry Forest, before joining the C1144 approximately 1.5km from the powerhouse. The C1144 would be widened for a length of approximately 2.3km to create a two-lane carriageway for public and construction access as far as the access track to the upper reservoir.
- Use of the SAR for construction work minimises the potential for disruption for uses of the C1144, as well as minimising environmental impacts such as landscape character and ecological impacts.

▪ **Temporary construction facilities and borrow pits**

- The design strategy for the Proposed Development aims to achieve a balance between material that requires to be excavated for various pieces of infrastructure and the requirement for material for construction purposes. The benefits of this approach are that the need to import construction materials to the Site is vastly reduced and the need to export excavated material is avoided. Three on-Site borrow pits are also proposed, which would collectively provide approximately 10.6 million m³ of material to be used in the construction of the Fearna and Coire Dubh Dams. The location of the three borrow pits is shown on EIA Report Figure 2.2, with further details shown on EIA Report Figures 2.33 – 2.38.
- A combination of primary and secondary construction compounds will be required to facilitate the construction phase (seven in total). The locations of the primary construction compounds are shown on EIA Report Figures 2.1 and 2.2 with layout details for each present on EIA Report Figures 2.30, 2.39 and 2.41.

▪ **Areas of ecological mitigation and enhancement**

A comprehensive suite of ecological mitigation and enhancement measures are proposed to mitigate the adverse effects of the Proposed Development identified in the EIA Report as well as providing environmental enhancement. Further details about these measures are set out in Technical Appendix 8.7 Outline Biodiversity Enhancement and Management Plan (OBEMP) and comprise the following, as shown on EIA Report Figure 8.7.1;

- Proposals for peatland restoration extending to approximately 640 hectares (ha);
- Compensatory woodland creation and extensive woodland restoration of no less than 200ha, including regeneration of Annex 1 Caledonian pine forests and the creation of native woodlands, primarily within riparian zones of the River Garry, Loch Poullary and surrounding areas;
- Targeted control and management of invasive non-native species covering approximately 100 ha around sensitive woodland habitats;
- Implementation of deer management measures, including deer exclusion fencing and targeted culling, to facilitate natural regeneration of sensitive upland habitats;

- Further ecological enhancements including the installation of artificial nesting boxes for birds and bats, and floating nesting islands specifically designed to support breeding Common Scoter and black-throated divers;
- Aquatic and riparian habitat enhancements are proposed which would benefit species including Common Scoter, Atlantic salmon, otter and aquatic invertebrates; and
- Targeted pool creation and restoration within peatland areas, with a specific focus on dragonfly habitat.

3.7. It is anticipated that the main construction phase could take approximately five or six years. Throughout the construction and operational periods, safe access for recreational users will be maintained and alternative routes will be provided where an existing route is altered by inundation or new structures are to be placed on them. Any replacement routes would be in place before the original route is affected by construction works.

3.8. Normal construction shifts would generally apply for the surface works, but these could be subject to some variation to suit the construction activities, weather conditions and time of year. The underground operations would continue 24 hours a day, seven days a week. As the workforce would be housed within the Site, these hours should not lead to any 'out-of-hours' traffic on the local roads.

Site Location and Description

3.9. The Proposed Development Site is located within a remote, mountainous and sparsely populated part of the Highlands, near the eastern end of Loch Quoich. The Site is currently used for highland sports, commercial forestry, hydroelectric generation and recreation and the wider area is popular for outdoor recreation.

3.10. The Site is located approximately 23km west of Invergarry and the red line Site boundary (see EIA Report Figure 2.1) comprises the main development area including the upper and lower reservoirs and powerhouse as well as the SAR, extending east to the A87. The closest residential properties to the Proposed Development are those adjacent to the SAR, the closest being just under 150 metres away (Noise Sensitive Receptor 4) but approximately 3.5 km distant from the main PSH site.

3.11. The main PSH works, comprising the upper and lower reservoirs and associated works, are situated approximately 1km to the west of the Quoich Dam.

3.12. The Site is located within the designated Moidart Morar and Glen Shiel Special Landscape Area (SLA) with more elevated areas also within Wild Land Area 18 (WLA18) Kinlochbourn – Knoydart Morar. It also lies around 6.5km east of the Knoydart National Scenic Area (NSA) as shown in EIA Report Figure 7.3.

3.13. There are no natural heritage designations, such as Sites of Special Scientific Interest (SSSI) within the boundary of the Site itself, however, there are several in the vicinity of the Site as shown by EIA Report Figure 10.2.2, comprising:-

- The West Inverness-shire Loch SSSI and Special Protection Area (SPA), designations split across several distinct areas as shown on EIA Report Figure 10.2.2; and

- The Quoich Spillway SSSI located to the east of Loch Quoich within the Site boundary.
- 3.14. There are very few cultural heritage assets in the vicinity of the Site and impacts upon such assets are considered unlikely. Furthermore, the presence and survival of unrecorded remains is considered by both the Highland Council's Historic Environment Team and Historic Environment Scotland (HES) to be low. Therefore, in agreement with both consultees, impacts upon cultural heritage impacts were scoped out of the EIA. For information, however, there is one Category B Listed Building located immediately adjacent to the Site, at the eastern end of Loch Quoich – that is the Great Glen Hydro Electric Scheme, Quoich Dam and Intake Gatehouse Towers.
- 3.15. EIA Report Figure 12.4: 'Peatland Classification', indicates that parts of the Site are located within mapped areas of Class 1 and Class 2 nationally important carbon-rich soils and priority peatlands. Potential impacts upon peat and soils are assessed in EIA Report Chapter 12, and the associated Technical Appendices including a Peat Landslide Hazard Risk Assessment (PLHRA) and Peat Management Plan.
- 3.16. There are a number of existing Core Paths, hill tracks and other recreational routes in the vicinity of the Site, including some that traverse the main PSH area of the Site. The location of these routes is shown on EIA Report Figures 14.1 – 14.15 some of which would be affected by construction works, and therefore require temporary and permanent diversions. Further details are discussed in EIA Report Chapter 14.

4. The Energy Policy Context

Overview

- 4.1. This section of the Planning and Energy Policy Statement provides an overview of energy legislation and policy considered to be of most relevance to the Proposed Development. This is not an exhaustive overview of all relevant policies and plans relevant to this subject area, and, given the legislative basis and statutory nature of the net-zero targets (discussed further below) only the most salient pieces of legislation and policies are discussed here.

The Legislative Framework

UK Legislation

Climate Change Act 2008

- 4.2. The Climate Change Act 2008² became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce greenhouse gas (GHG) emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce GHG emissions in Scotland contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 4.3. The UK Government amended the Climate Change Act 2008 in June 2019 to increase the GHG reduction targets for the UK, reflecting the recommendations set out in the Committee on Climate Change (CCC) Report from May 2019 'Net Zero - The UK's contribution to stopping global warming'³. The Climate Change Act 2008 (2050 Target Amendment) Order 2019⁴ amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050), an increase on the previous target for an 80% reduction by the same date.

Energy Act 2023

- 4.4. The Energy Act 2023 received Royal Assent on 26 October 2023⁵. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy⁶ to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it come to the energy it uses.

² <https://www.legislation.gov.uk/ukpga/2008/27/contents>

³ <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

⁴ <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

⁵ <https://www.legislation.gov.uk/ukpga/2023/52/contents>

⁶ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

- 4.5. Following the introduction of the Act into law, the then Energy Security Secretary Claire Coutinho commented that 'The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain'.

Scottish Legislation

Climate Change (Scotland) Act 2009

- 4.6. The Climate Change (Scotland) Act 2009 created the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 was also set out.
- 4.7. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:
- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
 - in a way best calculated to deliver any statutory adaptation programme; and
 - in a way that it considers most sustainable.

- 4.8. In 2019 the Scottish Government amended the 2009 Act, to set a new target for net zero GHG emissions in Scotland, as discussed below.

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

- 4.9. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets than those contained in the 2009 Act. It commits Scotland to becoming a net zero society by 2045 (five years earlier than the rest of the UK).

Climate Change (Emissions Reduction Targets) (Scotland) Act (2024)

- 4.10. The Climate Change (Emissions Reduction Targets) (Scotland) Act (2024)⁷ received Royal Assent on 22 November 2024. This 2024 Act replaces the annual and interim GHG reduction targets set out in the 2009 Act with carbon budgets, covering 5-year periods between 2026 and 2045 setting the amount of GHG emissions allowed during each period.

⁷ <https://www.legislation.gov.uk/asp/2024/15/contents?section-1-3>

Progress towards Net Zero

- 4.11. In April 2024, the Scottish Government abandoned its target of achieving a 75% reduction in GHG emissions by 2030, recognising that the target is 'out of reach'. The Scottish Government did however note its 'unwavering commitment' to reaching net zero by 2045, a target that remains embedded in statute.
- 4.12. At the same time as announcing that the 2030 GHG emissions reduction target had been abandoned, the Scottish Government also confirmed that it would drop the legally binding annual targets on reducing emissions, to be replaced by the aforementioned 5-yearly carbon budgets which have yet to be set. For context, the most recent annual targets in the lead up to 2045 are set out in Table 1 below.
- 4.13. In a statement to the Scottish Parliament on 19 June 2024⁸ the Net Zero and Energy Cabinet Secretary confirmed that GHG emissions reduced by 50% over the period 1990 to 2022, against a target of 53.8% - therefore the 2022 target was missed. It is understood that the CCC will advise the Scottish Government on its carbon budgets in May 2025⁹.

Table 1 – GHG Reduction Targets by Year

Year	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)	Year (continued)	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)
2020 (interim target)	48.5%	2033	79.5%
2021	51.1%	2034	81%
2022	53.8%	2035	82.5%
2023	56.4%	2036	84%
2024	59.1%	2037	85.5%
2025	61.7%	2038	87%
2026	64.4%	2039	88.5%
2027	67.0%	2040 (interim target)	90%
2028	69.7%	2041	92%
2029	72.3%	2042	94%
2030 (interim target)	75%	2043	96%

⁸<https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-19-06-2024?meeting=15945&iob=136097>

⁹ <https://www.theccc.org.uk/news/coming-up/>

Year	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)	Year (continued)	Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)
2031	76.5%	2044	98%
2032	78%	2045	100% (net zero emissions)

- 4.14. The June 2024 announcement to the Scottish Parliament about missing the 2022 target and the earlier decision to abandon the 2030 interim target shows how much work still requires to be done to achieve the long-term goal of net zero GHG emissions by 2045. There is more to do in less time: GHG emissions must now fall at an even sharper rate than envisaged when the 2045 net zero target was first set. The Proposed Development can make a National Development (see later discussion on NPF4) level contribution to this goal and will make a significant and positive contribution to attainment of the 2045 target.

International

United Nations (UN) Emissions Gap Report 2024 – No more hot air ... please!

- 4.15. For more than a decade the UN Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights ways to close the gap. The latest Gap Report, *No more hot air ... please!*, was published on 24 October 2024¹⁰.
- 4.16. The 2024 Gap Report notes in the Foreword that GHG emissions reached a new high in 2023. This context coupled with the promises made to date put us *'on track for best-case global warming of 2.6 degrees this century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot.'*
- 4.17. The Report notes in the Executive Summary that:

'The magnitude of the challenge is indisputable. At the same time, there are abundant opportunities for accelerating mitigation action alongside achieving pressing development needs and Sustainable Development Goals.'

It also notes that:-

'As greenhouse gas emissions rose to a new high of 57.1 gigatons of carbon dioxide equivalent in 2023, the cuts required from today are larger; 7.5 per cent must be shaved off emissions every year until 2035 for 1.5°C. Current promises are nowhere near these levels, putting us on track for best-case global warming of 2.6°C this century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot.'

¹⁰ <https://www.unep.org/resources/emissions-gap-report-2024>

- 4.18. As a result, the Report notes that unprecedented action is now needed by all countries and this *‘will require overcoming formidable policy, governance, institutional and technical barriers as well as an unprecedented increase in the support provided to developing countries along with a redesigning of the international financial architecture.’*

UK Energy Policy

CCC - Progress in Reducing Emissions – 2024 Progress Report to Parliament

- 4.19. The 2024 Progress Report to the UK Parliament¹¹ was published in July 2024 and considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK’s role in a global context before discussing a range of sectors such as transport, building, manufacturing, electricity supply, fuel supply, aviation and shipping etc. Each sector is looked at in terms of emission trends and drivers, indicators of progress, next steps and major risks.
- 4.20. In the Executive Summary, it is outlined that the UK has ‘a successful track record of emissions reductions’. However, ‘despite some progress, the previous Government signalled a slowing of pace and reversed or delayed key policies’. The new Government needs to ‘act fast’ to ensure the UK remains on track to meet its current commitments.
- 4.21. The report notes that we’ve seen the wettest 18 months on record in England. The impacts on farmland have been extensive with areas submerged for extended periods, leading to the loss of crops and animals. Livelihoods have also been disrupted and lives lost in the UK and overseas as a direct consequence of climate impacts, which are becoming more severe.
- 4.22. The report sets out that the cost of key low-carbon technologies is continuing to fall, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become.
- 4.23. On Planning, a key priority area is to remove planning barriers for renewable energy development. In Scotland, NPF4 has set a positive policy framework to achieve this, which is discussed in Section 5.

The 29th UNFCCC conference of the parties (COP29) – Baku – November 2024

- 4.24. On 12 November 2024, at the 29th UNFCCC conference of the parties (COP29) in Baku, the UK Prime Minister announced the UK’s 2035 Nationally Determined Contribution (NDC) under the Paris Agreement. This commits the UK to reducing economy-wide greenhouse gas emissions by at least 81% by 2035, compared to 1990 levels, excluding emissions from international aviation and shipping.

¹¹<https://www.theccc.org.uk/wp-content/uploads/2024/07/Progress-in-reducing-emissions-2024-Report-to-Parliament-Web.pdf>

- 4.25. The 2035 NDC is based on advice from the independent CCC. It is a progression on the UK's previous NDC pledge to reduce emissions by at least 68% by 2030. It was informed by the outcomes of the Global Stocktake from COP28 and is aligned with limiting global warming to 1.5 °C. It is aligned with the level of ambition in Carbon Budget 6 (2033-37) on the pathway to net zero by 2050.
- 4.26. On 30 January 2025, the UK submitted its information to facilitate clarity, transparency and understanding (ICTU) of its ambitious 2035 NDC¹². A copy of the ICTU will be laid in the Houses of Parliament.

Clean Power 2030 Action Plan; A new era of clean electricity

- 4.27. The Clean Power 2030 Action Plan was published by the UK Government in December 2024¹³ following an earlier report by the National Energy System Operator (NESO) in 2024 to provide advice on achieving clean power for Great Britain by 2030. The NESO report¹⁴ considered a wide range of issues relevant to reaching clean power by 2030 such as the planning and consenting regimes, the roles that different technologies are to play in a future energy system, grid upgrade and connections, the costs and benefits of clean power and identified two primary pathways to clean power by 2030, namely 'New Dispatch' and 'Further Flex and Renewables'.
- 4.28. That report considers that it is possible to build, connect and operate a clean power system for Great Britain by 2030 while maintaining security of supply. The report notes on page 29 that there will be period over the year, mostly winter and autumn, where weather conditions mean that renewables and firm generation alone will not be able to meet electricity demand. Where renewables alone are unable to meet demand for longer periods, the Action Plan notes that a suite of technologies will need to be deployed and maintained to provide longer-duration power capacity – pumped storage hydro is identified as a likely technology.
- 4.29. The Action Plan further notes in page 110 that long-duration flexible technologies can adjust their output quickly to match supply with demand and can provide a reliable source of electricity for managing daily and seasonal demand peaks and longer periods of low renewable output. Currently, this flexibility is provided by unabated gas and pumped storage hydro, currently the only mature technologies capable of providing this flexibility. The Action Plan notes that between 40-50 GW of dispatchable long-duration flexible capacity could be needed by 2030. While the majority of this is expected to come from unabated gas, the Action Plan notes that '*will also need to scale up the deployment of pumped hydro storage*' (underlining added) – while also noting the Government's commitment to transitioning away from unabated gas whilst maintaining security of supply.

¹²<https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement>

¹³ <https://assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf>

¹⁴ <https://www.neso.energy/document/346651/download>

- 4.30. The Action Plan later notes on page 115 that LDES is a key enabler to a secure, cost-effective and low carbon energy system. The Action Plan notes that LDES can help to decarbonise the system by supplying electricity continuously from several hours to up to several days without recharge, replacing flexibility from unabated gas and helping to alleviate constraints on the grid. Pumped storage hydro, a long-established and mature technology is a form of LDES. Long build times and revenue uncertainty have inhibited investment in LDES development over the last 40 years but the Government has taken steps to address these barriers.

Scottish Energy Policy

CCC – Progress in Reducing Emissions – 2023 Report to Parliament

- 4.31. The above report to the Scottish Parliament was published in March 2024¹⁵. One of the key messages of the report is that Scotland missed the 2021 annual target of a 51.1% reduction in GHG emissions which is the eighth target Scotland has missed within the last 12 years. Secondly, the report noted that the acceleration required in emissions reduction to meet the 2030 target is *'now beyond what is credible'*. The report also noted that *'current overall policies and plans in Scotland fall far short of what is needed'* to achieve the legal emissions reduction targets.
- 4.32. In April 2024, in response to the findings of the CCC report, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is *'out of reach'*. The Scottish Government did however note its *'unwavering commitment'* to reaching net zero by 2045, a target that remains embedded in statute.

Serving Scotland – Programme for Government 2024-2025

- 4.33. The Programme for Government was published in September 2024¹⁶ and therefore represents the most recent statement of the Scottish Government's priorities on a range of issues. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues.
- 4.34. The First Minister's Foreword notes that the Programme for Government will focus on four key priorities with one being *'tackling the climate crisis emergency'*. Section 3 outlines:

'The twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period. We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment.'

¹⁵ <https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/>

¹⁶ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2024/09/programme-government-2024-25-serving-scotland/documents/programme-government-2024-25-serving-scotland/programme-government-2024-25-serving-scotland/govscot%3Adocument/programme-government-2024-25-serving-scotland.pdf>

- 4.35. This theme is revisited throughout the document and mirrors the foreword to NPF4 (discussed in Section 5) which puts the twin global climate and nature crisis at the heart of the future vision for Scotland.
- 4.36. It is clearly noted that *'our potential for renewable energy generation is one of our greatest environmental and economic opportunities'*. It goes on to outline that in order to support a just transition to a green economy the Scottish Government will shortly publish the Energy Strategy and Just Transition Plan. As well as doubling the ambitions for renewable energy generation, this will set out actions to deliver a clean energy pipeline and its economic benefits.

Draft Scottish Energy and Just Transition Plan (2023)

- 4.37. The Scottish Government published the Draft Energy Strategy & Just Transition Plan (hereafter referred to as the Draft Strategy) for consultation purposes in January 2023. While the Draft Strategy may be subject to change following consideration of responses to this earlier consultation exercise, brief commentary is merited here on certain aspects of its content.
- 4.38. The Ministerial Foreword describes the 2020s as a 'decisive decade' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market, which has seen energy prices increase significantly since the start of the Ukraine war in 2022. The Draft Strategy seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.
- 4.39. The overall vision is that by 2045:-
- 'Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions'.*
- 4.40. A series of actions are listed on page 24 to achieve this vision, including the need to *'significantly scale up renewable energy production, including on-and offshore wind power, renewable hydrogen, marine energy, solar and hydro'* (underlining added).
- 4.41. Meeting the anticipated increase in demand for domestic electricity forms a key component of the Draft Strategy, but exporting electricity generated in Scotland is recognised as an economic opportunity.
- 4.42. Section 3.1 notes that *'increasing levels of home-grown renewable supply will make energy more affordable and ensure it is always available when we need it'*. The Draft Strategy is not technology specific and there are comments, aspirations and targets for different technology types. The Draft Strategy recognises the importance of pumped hydro storage developments stating, *"as we transition to a net zero energy system, renewables and other zero-carbon technologies, including pumped hydro storage, will need to provide all the services required to ensure a secure energy system."* It continues noting that *"PHS also continues to play a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks. PHS accounts for 740 MW of Scotland's 864 MW of energy storage"* (page 129).

5. Development Plan Framework

Introduction

- 5.1. This section considers the Proposed Development against the relevant provisions of the Development Plan, which comprises: -
- National Planning Framework 4 (NPF4)¹⁷, adopted in 2023;
 - The Highland-wide Local Development Plan (HwLDP)¹⁸, adopted in 2012; and
 - The West Highland and Islands Local Development Plan (West Plan)¹⁹, adopted in 2019.
- 5.2. While West Plan does form part of the Development Plan, it does not contain any policies or proposals relevant to the determination of the Proposed Development. This section of the Planning Statement comments upon NPF4 and the HwLDP only.
- 5.3. The Scottish Government's Chief Planner issued a letter on 8 February 2023²⁰ relating to 'Transitional Arrangements and to provide advice on NPF4 becoming part of the statutory Development Plan'. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 policy prevails.
- 5.4. In a subsequent letter dated 27 June 2024²¹, albeit focusing on housing delivery, the Chief Planner discussed the implementation of NPF4 and reinforced the position of the Scottish Ministers that '*policies in NPF4 should be read and applied as a whole and that conflicts between policies are normal and to be expected*'. (emphasis added).

National Planning Framework 4 (NPF4), 2023

- 5.5. NPF4 was adopted on 13th February 2023 and comprises the national element of the Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) in their entirety.
- 5.6. NPF4 sets out a list of national planning policies to assess applications, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an Outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'. The aforementioned Chief Planner letter dated 27 June 2024, confirms that '*the sections on 'policy intent' within*

¹⁷ <https://www.gov.scot/publications/national-planning-framework-4/documents/>

¹⁸ https://www.highland.gov.uk/info/178/development_plans/199/highland-wide_local_development_plan

¹⁹ https://www.highland.gov.uk/info/178/development_plans/582/west_highland_and_islands_local_development_plan

²⁰ <https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/#:~:text=Published%208%20February%202023&text=Planning%20Minister%20Tom%20Arthur%20and,adopted%20on%2013%20February%202023.>

²¹ <https://www.gov.scot/publications/planning-for-housing-chief-planner-letter-june-2024/>

NPF4 are provided to help decision makers deliver on policy aspirations'.

- 5.7. There are two central themes running through NPF4 namely addressing i) the climate emergency and ii) the nature crisis. These key themes are reflected in the detailed wording of many policies, as well as their stated Intent and Outcomes. As the Ministerial Foreword notes: -

'Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country'.

- 5.8. The Ministerial Foreword also notes that delivering net zero GHG emissions is one of three 'strategic priorities' alongside addressing child poverty and delivering a wellbeing economy.

- 5.9. While not all renewable, low carbon or zero emissions applications will be granted permission, and there is still a need for decision makers to apply the 'planning balance', it is clear that the introduction of NPF4 is having a material effect upon the weight that decision makers give to the global climate emergency and nature crisis. In two S36 wind farm cases, and following the introduction of NPF4, Reporters changed their initial recommendations to refuse permission to recommendations to approve. Those two schemes are:-

- Clashindarroch II Wind Farm (Aberdeenshire); and
- Shepherds Rig Wind Farm (Dumfries & Galloway).

- 5.10. In the case of Clashindarroch II, in the post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-110-2, 3 March 2023), the Reporter concluded in paragraph 2.90 that:-

'I find the weight that should be given to the contribution these proposals make towards renewable energy generation and greenhouse gas emission targets is now greater and necessitates a change to my previous assessment of acceptable landscape and visual effects'.

- 5.11. A judicial review of the Clashindarroch II decision of the Scottish Ministers relating to consideration of impacts on wild cat was dismissed by the Court of Session in February 2024. That decision was upheld by the Inner House of the Court of Session in November 2024²².

- 5.12. In the case of the Shepherds Rig Wind Farm, in that post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023), the Reporter reached similar conclusions to the Clashindarroch II Reporter in paragraph 3.14:-

'... we recognise the urgent policy imperative in OWPS and NPF4 to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy developments, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the

²²https://www.scotcourts.gov.uk/media/1klkjsxd/2024csih39-petition-by-wildcat-haven-community-interest-company-against-the-scottish-ministers-and-vattenfall-wind-powerltd.pdf?fbclid=IwY2xjawGkV5leHRuA2FlbQlXMAABHZn85wFB_P1ekYm3A28LIJZaZ8jfsCjtS86X6F8rmIc7-Q4YLQRJsizbDg_aem_gAsFzGkRmEt6vlo7gqidlg

updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects' (emphasis added).

- 5.13. While these two cases relate to onshore wind farms, the sentiment expressed by the Reporters applies equally to the Proposed Development which will play an integral part in the move away from fossil fuels and towards net zero targets. The positive contribution that the Proposed Development can make to addressing the twin nature and climate crises is discussed below. The following commentary starts with Part 1 of NPF4, working through the document in chronological order, and considering the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities.

NPF4 Part 1 – A National Spatial Strategy for Scotland 2045.

- 5.14. Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:-
- Just Transition;
 - Conserving and Recycling Assets;
 - Local Living;
 - Compact Urban Growth;
 - Rebalanced Development; and
 - Rural Revitalisation.
- 5.15. Application of these spatial principles will support the planning and delivery of: -
- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
 - Liveable Places – where we can all live better, healthier lives; and
 - Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.
- 5.16. The commentary in NPF4 on 'Sustainable Places' is the most relevant section of Part 1 to this application. Page 6 notes the legislative basis for Scotland's net zero GHG emissions target by 2045.
- 5.17. As a headline objective, the commentary on page 7 states that '*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment*'.
- 5.18. Page 7 states that '*every decision on our future development must contribute to make Scotland a more sustainable place*' and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, '*nature recovery must be at the heart of future places*' (page 7).
- 5.19. In the 'Cross-Cutting Outcome and Policy Links' Box on page 8 'Reducing Greenhouse Gas Emissions', NPF4 states that: -
- 'The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole'.*

- 5.20. In the 'Cross-Cutting Outcome and Policy Links' Box on page 9 'Improving Biodiversity', NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.
- 5.21. These Policy Link Boxes clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The Proposed Development responds positively to both these challenges by providing a National Development scale pumped hydro storage development (see later commentary on NPF4 National Developments), combined with a range of biodiversity improvements across a large area, including peatland restoration across approximately 640 ha of land (see Technical Appendix 8.7 for details).
- 5.22. Those NPF4 policies of most relevance to the Proposed Development are discussed in the section below on NPF4 Part 2.

NPF4 Part 2 – National Planning Policy

- 5.23. Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of: -
- Sustainable Places;
 - Liveable Places; and
 - Productive Places.
- 5.24. For each policy, NPF4 provides commentary on Policy Intent, Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.
- 5.25. Those policies considered to be of relevance to the Proposed Development are discussed in the following paragraphs, starting with Policy 11 'Energy', being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

Policy 11: Energy

- 5.26. Policy 11: 'Energy' is the most relevant to the Proposed Development. The policy intent is to:
- "Encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)".*
- 5.27. The Policy Outcomes are 'expansion of renewable, low-carbon and zero emissions technologies'.
- 5.28. To achieve these Outcomes, Policy 11 states in part (a) that 'development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported'. This includes in part (iii) 'energy storage, such as battery storage and pumped storage hydro', (underlining added).

- 5.29. On the basis of the above, it is considered that the Proposed Development can draw in-principle support from Policy 11 (part a). In this respect, NPF4 Part 3, states '*where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies*'. It is also recognised that each application must be treated on its own merits, having regard in particular to the assessment criteria in part (e) of Policy 11.
- 5.30. These criteria are discussed below in Table 2, but what is important to highlight at this point is that the final part of Policy 11(e) requires decision makers to give 'significant weight' to the contribution that a proposal makes to '*renewable energy generation targets and on greenhouse gas emissions reduction targets*'. This approach is illustrated in the Scottish Ministers decision on the Devilla energy storage project (ref: ECU00003469 dated 13 December 2023²³). They concluded that climate change justified giving greater weight to NPF4 policies 1 and 11 than policy 3 when weighing up the support for that development.
- 5.31. Part (c) of Policy 11 deals with the socio- economic impacts of renewable energy and low carbon proposals. It states that '*proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities*'.
- 5.32. The socio-economic benefits associated with the Proposed Development are set out in Chapter 17 'Socioeconomics and Tourism' of the EIA Report. It is estimated that the Proposed Development will have a capital cost in excess of £2.0 billion and will create temporary jobs during the construction phase and the workforce could reach approximately 500 on average and possibly higher for some periods at the peak of construction works. Once operational, it is expected that the Proposed Development could generate up to the equivalent of 48 full-time jobs taking account of multiplier effects, which equates to a gross value added (GVA) impact of £2.5 million to the local Highland economy per year. The construction phase benefits are considered to bring about significant benefits in Chapter 17, with less significant benefits during the operational phases but with significant operational benefits accruing from local business rates (estimated at £30 million per annum).
- 5.33. While some construction phase benefits will spread beyond the Highland area and Scotland during the operational phase, jobs will be retained within Highland, as summarised in EIA Report Table 17.3. In total it is calculated that the Proposed Development will generate 4,047 person years employment (PYE) across the construction phases, split across various activities summarised in EIA Report Chapter 17, Table 17.2. Of this total 1,087 PYE are expected to benefit the Highland economy with a further 2,131 PYE at the Scottish level (including Highlands) with the remaining 1,920 PYE benefiting non-Scottish areas.
- 5.34. Taking account of multiplier effects, such as supply chain benefits and economic activity associated with additional income and supplier purchases, the assessment in EIA Report Chapter 17 calculates that the Proposed Development PYE would increase to 1,491 in the Highlands and 2,924 at the Scottish level during the construction phase. In monetary terms this is calculated to deliver a GVA impact of £92.2 million for the Highlands and £222.4 million at the Scottish level.

²³ <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00003469>

- 5.35. The assessment in EIA Report Chapter 17 notes that operational jobs will likely be taken by people residing in or moving to the Highlands. During operation, the Proposed Development is forecast to generate 48 jobs per annum for the Highlands and a GVA impact of £2.5 million per annum.
- 5.36. While community benefits are not material planning considerations, it is relevant to note that the Proposed Development will make direct community benefits to local communities during the construction and operational phases, which will help support the delivery of other community projects and initiatives. While no specific schemes are identified at present, the Applicant is interested in contributing to the local community by supporting specific projects in consultation with the communities affected by the Proposed Development. The Applicant is proposing to establish a community benefit fund equivalent to 0.5% of the capital cost of the Proposed Development, to be split between the construction and operational phases and which could be used by the community for various community wealth building initiatives or projects. Based upon an estimated capital cost in excess of £2 billion, this amount equates to at least £10 million. Further consideration of these benefits would be explored post consent, and the Applicant is commitment to working closely with relevant stakeholders further should consent be granted to ensure community benefits are targeted in a way that maximises community benefits.
- 5.37. Taking these matters above into account, it is considered that the Applicant has done what it reasonably can at this stage to maximise the socio-economic benefits of the Proposed Development consistent with Policy 11 part (c).
- 5.38. It is important to recognise the strategic importance of the Proposed Development (as a defined National Development) to the provision of a more secure supply of energy for the UK, which in itself will have important economic benefits for society by reducing our exposure to fluctuating energy supplies on the global market and reducing our reliance on imported fuels. The previously discussed Clean Power 2030 Action Plan notes the crucial role that LDES (such as pumped storage hydro) has to play in the delivery of the UK's future energy system. This is a project that will help the roll out of further renewable energy developments such as wind and solar, ultimately helping to prevent the 'curtailment' of these electricity generators which currently takes place when there are grid capacity constraints.
- 5.39. Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.
- 5.40. Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals, with project design and mitigation demonstrating how various potential impacts have been addressed. The Proposed Development is assessed against these factors in Table 2 below.
- 5.41. In discussing the criteria in Policy 11(e), the Reporter in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2 May 2023) noted in paragraph 9.129 that:-

'We do not agree with the interpretation of some parties that all of the items listed must necessarily be fully mitigated or resolved. We agree with the applicant that this should form part of the decision-maker's process of weighing the planning balance'.

- 5.42. Ultimately, therefore, uncertainty over one element of Policy 11(e) being satisfactorily addressed, or other policies for that matter, does not mean a development is unacceptable. This would need to be considered as one of a range of issues that applies to the planning balance exercise. As confirmed by the Scottish Government's Chief Planner in a letter dated 27 June 2024, NPF4 needs to be read and applied as a whole.

Table 2 - NPF4 Policy 11(e) assessment criteria

Policy Criteria	Commentary
Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	The effects of the Proposed Development on these receptors is considered in EIA Report Chapter 7: 'Landscape and Visual' and Chapter 16: 'Noise and Vibration'. There would be no impacts arising as a result of shadow flicker as this is not a wind farm scheme. Technical Appendix 7.2 provides an assessment of the visual impact of the Proposed Development from ten building receptor locations including occupants of residential properties, holiday properties and other buildings with a potential for views of the Proposed Development. These receptors are listed in Table 1 of Technical Appendix 7.2 and shown on EIA Report Figure 7.5b. That assessment concludes that no significant effects are identified for any residential or other building-based receptors during the construction or operational phases of the Proposed Development, although some non-significant effects may occur during the construction phase where the visibility of the SAR and main construction compound is located. EIA Report Chapter 16: Noise and Vibration, considers the potential impacts of the construction and operational noise and vibration impacts at a number of noise sensitive receptors (NSRs), as shown in EIA Report Table 16.1. Several of these NSRs are residential properties. Potentially significant noise effects arising from road construction and upgrade works were identified for some NSRs as summarised in EIA Report Table 16.20. Mitigation was therefore considered necessary. No potentially significant effects from vibration were identified that required mitigation. Various mitigation measures for the different aspects of the construction works are set out in Section 16.12 of EIA Report Chapter 16. A Construction Noise and Vibration Management Plan (CNVMP) is proposed which would be submitted to the Council for agreement prior to construction work commencing. With the implementation of mitigation in the CNVMP, all identified residual effects are considered to be negligible, with the exception of the NSRs where residual effects of minor significance would arise. These residual effects are considered not significant and would arise only during the construction period. Overall, no significant residual effects upon communities or individual dwellings would arise as a result of construction or operation of the Proposed Development.
Policy 11(e)(ii) Significant landscape and	This part of Policy 11 notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied. The policy does not require that all landscape and visual effects need to be localised to be

Policy Criteria	Commentary
visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.	acceptable. Where appropriate design mitigation has been applied and effects extend beyond what may be considered localised, then these too will generally be found to be acceptable. There is no guidance as to what constitutes 'localised' in the context of this policy, and it will be for the decision maker to consider this on a case by case basis but further commentary on this is set out in the later discussion following this Table 2. Secondly, this part of Policy 11 makes it clear that where significant landscape and visual effects are localised and/or design mitigation has been applied, the expectation is that these effects will generally be considered acceptable. The corollary is that it would be unusual for such effects to be considered unacceptable. The LVIA in Chapter 7 of the EIA Report considers the potential for impacts and effects across Landscape Character Types (LCTs), landscape designations and visual effects from an agreed number of visualisation locations (VLs), which are listed in EIA Report Table 7.2 and shown on Figure 7.2. Visualisations from each of these VLs are presented in Volume 3a. The assessment considers the short term construction phase and longer term operational phase effects. Impacts upon landscape designations and wild land areas are discussed later in the commentary on NPF4 policy 4. The visualisations show a wireline of the Proposed Development from the VL, its appearance upon completion after one year and 15 years after completion. Visual effects upon users of routes in the area were also assessed, as set out in Table 2 of Technical Appendix 7.2. The assessment in EIA Report Chapter 7 concludes that significant visual effects during construction have been identified for users of the minor public road to, and alongside, Loch Quoich and recreational users of two mountain walking routes: (1) a circular route ascending the mountains of Gleouraich and Spidean Mialach, which would be diverted for the Proposed Development; and (2) a route ascending Gairich, on the opposite side of Loch Quoich. Users of these routes would obtain close views of construction activities at the powerhouse and / or upper reservoir area, likely to be distracting, during this period. After 15 years, the effects on the minor road and route ascending Gairich are predicted to reduce to levels that would not be significant because the visual appearance of the Proposed Development would only affect parts of these routes and wider, valued views would continue to be obtained. Mitigation earthworks and planting around the powerhouse and switchyard area would also help in reducing the visual effects on these routes. The detailed assessment of effects for LCTs is provided in Technical Appendix 7.3. The Site is located within LCT 239 'Interlocking Sweeping Peaks – Lochaber'. Effects upon this and three other LCTs were considered in Technical Appendix 7.3, namely:- • LCT 235 – Broad Forested Strath; • LCT237 – Rocky Moorland – Lochaber; and • LCT 238 – Rugged Massif, Lochaber.

Policy Criteria	Commentary
	During construction, significant effects are predicted to occur within LCT 235 and LCT 239 (Sub Type A). Construction phase effects upon LCTs 237 and 238 are not significant. EIA Report Chapter 7 considers that construction phases effects would be temporary, localised and with most occurring within an area contained by the surrounding ridgeline of Gleouraich and Spidean Mialach to the north of Loch Quoich and extending to areas within around 5 km from the Proposed Development on the southern side of Loch Quoich. During operation, significant effects would reduce in extent and would become more localised once landscape planting matures. Effects would be mostly focused around the permanent features of the Proposed Development at the upper reservoir, within around 4 km of the Fearna Dam, where the upland landscape would become noticeably more characterised by an increased sense of management and development. The Proposed Development is also predicted to lead to some cumulative landscape and visual effects when the proposed Beinn Bheag Wind Farm (currently at Scoping), which would be located within an area to the south-east of Loch Quoich, is considered within the baseline. Under this scenario, one additional significant effect is predicted during operation, for recreational users ascending Gairich. Overall, as a result of the mitigation measures, the landscape and visual impact assessment (LVIA) concludes that once vegetation has been restored and planting around the proposed powerhouse and switchyard area has been allowed to establish, these effects would reduce and would become more localised, associated with the dams and upper reservoir area of the Proposed Development only. Significant landscape effects are predicted to continue within the containing corrie areas immediately surrounding the upper reservoir, and across opposing slopes within around 4 km up to the summits and ridge of the containing mountains. A significant visual effect is also expected to remain for recreational users on the surrounding mountain walking route to the Munros, Gleouraich and Spidean Mialach, which would be diverted to follow the top of one of the dams.
Policy 11(e)(iii) Public access, including impact on long distance walking and cycling routes and scenic routes.	There are a number of recreational routes within the LVIA study area as shown on EIA Report Figure 7.5 (a) and (b). Eleven routes have been considered in the visual assessment, comprising one minor road and a variety of recreational routes where a view of the Proposed Development would potentially be obtained. These are assessed in Table 2 of Technical Appendix 7.2. Significant effects have been identified for users of three of these routes throughout the construction period, route references R1- R3. A significant effect is predicted for Route R2 in the longer term during operation, where close up views of the dams and upper reservoir would be obtained. The dams would be very prominent from sections of this route whilst parts of the ridgeline would overlook the reservoir area at close proximity (see VL3 and VL4). The route would also be diverted to follow the top of the Fearna dam or optionally a route around the foot of the dam.

Policy Criteria	Commentary
	EIA Report Chapter 15: 'Recreation and Access' considers the direct impacts of the Proposed Development on recreation and access, during the construction and operational phases. That assessment recognises that there are number of walking, cycling and running routes that would be affected by construction activities, including the C1144. A Draft Outdoor Access Management Plan is submitted as Technical Appendix 14.1, which sets out a range of mitigation measures to minimise disruption to users of paths and cycle routes during the construction and operational phases of the Proposed Development. The Draft Outdoor Access Management Plan states that as a general principle, access tracks for the construction and operation of the Proposed Development will as far as practicable be kept separate from the tracks and paths used for public recreational access. It is recognised that this will not be possible for all routes, for example along much of the SAR and the shared section of the C1144, shared use of these is proposed, subject to site rules for both construction /operational users and recreational users. Various access improvements are proposed as part of the Proposed Development and detailed on Figure 14.14, including:- • Upgrading the existing footpath to modern standards between the C1144 and Coire Mheil; • Upgrading approximately 1km of the footpath from the south end of the Quoich dam towards Gairich; and • Potential increase in size of Munro parking areas (subject to landowner agreement). With mitigation in place, EIA Report Chapter 14 concludes that residual effects upon recreational users and routes during the construction and operational phases will be either minor or negligible and not significant.
Policy 11(e)(iv) Impacts on aviation and defence interests including seismological recording.	The application Site falls within part of the UK Military Low flying System designated Tactical Training Area 14T. The Ministry of Defence (MoD) responded to the Scoping Request stating that the introduction of a new building or structure with a height above ground of 15m or greater in this location, along with the significant changes to the surrounding landscape and increase in water levels has the potential to introduce a physical obstruction to low flying aircraft operating in the area. The MOD further noted that it would require that conditions were added to any consent issued requiring that the development is fitted with aviation safety lighting, and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. If aviation safety lighting is required by the MoD for the final design of the dams and powerhouse, this would be infrared lighting, which, as it is invisible to mammals and birds, would have no effect on the landscape and visual or ecological impacts of the Proposed Development.

Policy Criteria	Commentary
	The MoD will be a consultee on the application and it is expected that any of its operational requirements can be addressed through the imposition of planning conditions.
Policy 11(e)(v) Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.	The Proposed Development is in a rural area with relatively few nearby sensitive receptors. No significant changes to the reception of radio, digital television or digital radio are anticipated as a result of the Proposed Development. For this reason an assessment of interference with radio, digital television or digital radio links was scoped out of the EIA.
Policy 11(e)(vi) Impacts on road traffic and on adjacent trunk roads, including during construction.	The impacts of the Proposed Development on road traffic and the adjacent trunk roads are considered in EIA Report Chapter 15: 'Transport and Access' and the supporting Technical Appendix 15.1 'Transport Assessment'. The assessment of road traffic impacts focused on construction traffic effects only, with operational phase effects being scoped out due to the low number of vehicles which would visit and leave the Site during the operational period. The Proposed Development will be accessed from an upgraded junction on the A87, via a combination of existing and upgraded forestry tracks, through the Glen Garry Forest, together with a short section of the C1144. The junction upgrade works on the A87 will be undertaken as part of the consented Coire Glas Pumped Storage Hydro Scheme (PSHS). Whilst the majority of the C1144 will not be used during the main construction phase, there will be a requirement to use the whole length of the road while undertaking preliminary ground investigation works. The traffic assessment assumes a construction period of 101 months, with the first year of construction being 2028 and peak construction occurring in 2032. The peak of construction activity in terms of construction vehicle generation would occur on the Trunk Road Network and is expected to occur for a period of 19 months of the 101 month programme, when there would be a total of 506 vehicle movements per day, comprising 178 two-way heavy goods vehicles (HGV) movements and 328 two-way car / light goods vehicles (LGV) movements. The peak traffic data was combined with future year traffic data (2032) to allow the impacts of the Proposed Development to be considered along the road network, the results of which are summarised in EIA Report Table 15.10. That Table shows that the total traffic movements are predicted to increase by 655.7% on the C1144, where the proposed site access for the main site area would be located. Whilst this increase could be considered high, it is generally caused by the relatively low vehicle flows on the road at this location. It should also be noted that this impact on the C1144 would only be between the main site and the junction with the SAR, a section totalling approximately 2.3km, which would be upgraded to accommodate the vehicles associated with the construction activities and where there are no sensitive receptors. On the rest of the public road

Policy Criteria	Commentary
	network within the study area, the next highest total traffic increase (20.2%) is on the A87, to the west of Invergarry. The assessment of construction traffic effects concludes that there are no link capacity issues on any of the roads assessed due to the additional construction traffic movements associated with the Proposed Development. Whilst no capacity issues are predicted, mitigation measures are proposed to reduce the impact of the construction traffic on other road users and nearby residents, which would be agreed through a Construction Traffic Management Plan (CTMP), which would be secured through a planning condition. An Abnormal Indivisible Load (AIL) Route Survey has also been completed as part of the EIA Report due to the size of the candidate transformer which qualifies as an AIL. The AIL delivery route to the Site from the assumed the Port of Entry (POE) at Corpach Harbour has a number of constraints which will require small scale and temporary remedial works to facilitate the delivery of the transformer (see Technical Appendix 15.1, Table 3.1). EIA Report Table 15.13 provides a summary of the significance of the potential effects on receptors during the construction phase as a result of construction traffic movements. This confirms that no significant residual effects will arise as a result of road traffic during the construction phase. All effects are assessed to be minor, not significant and as they will occur during the construction phase only, they are temporary and reversible.
Policy 11(e)(vii) Impacts on historic environment.	As already noted in the commentary in Section 3, impacts upon cultural heritage impacts were scoped out of the EIA.
Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.	Potential impacts of the Proposed Development on these matters are considered in EIA Report Chapter 6: 'Hydrology and Water Management' as well as EIA Report Chapter 12 'Geology, Soils and Water'. A flood risk assessment was scoped out of the assessment in Chapter 6 for a number of reasons including:- • The Proposed Development utilises the existing Loch Quoich as the lower reservoir, which was dammed in the 1950s. The Proposed Development would operate within the existing operational range of Loch Quoich, with additional buffers applied and therefore would not present any additional flood risk; • the Site is not at risk of flooding from any external source; and • the Proposed Development will not lead to increased flood risk elsewhere and given the attenuation of the new reservoirs, may reduce the flood risk elsewhere. During construction, it would be necessary to draw down Loch Quoich for periods of time to allow the construction of the lower control works for the Proposed Development. Similarly, during construction of the Fearna and Coire Dubh dams, the natural flows of Loch Fearna would require to be diverted through or around the works areas to the watercourse downstream. This may be achieved either by gravity flow or pumping. Potential environmental effects associated with these construction

Policy Criteria	Commentary
	activities, as well as operational effects were considered in EIA Report Chapter 6. That assessment notes that many of these activities will also be subject to the Controlled Activities Regulations (CAR) licensing process which will regulate water flows from the dams into nearby watercourses. The assessment in Chapter 6 notes that the Proposed Development would only operate between agreed minimum and maximum levels of the reservoirs and also within the existing licenced operational range of Loch Quoich – and that compliance with existing CAR Licences would be maintained throughout the construction and operation of the Proposed Development. With the implementation of mitigation measures, including compliance with a detailed Construction Environmental Management Plan, no significant residual effects upon hydrology and the water environment are predicted. The assessment in Chapter 12 also considered potential impacts of the Proposed Development on designated sites where these are water dependent and have a potential hydrological connection to the Proposed Development. The assessment considered the potential for effects to arise during the construction and operational phases upon surface water and groundwater quality as well as surface and groundwater. A private water supply assessment was also undertaken (see Technical Appendix 12.5). No potentially significant environmental effects upon the water environment were identified during the construction or operational phases that required specific mitigation. Notwithstanding, it is recommended that best practice construction techniques are adopted. An Outline Construction Environmental Management Document (CEMD) is submitted as Technical Appendix 2.3. A detailed CEMD would be prepared prior to development commencing and this could be controlled by planning condition and would be subject to agreement with consultees such as SEPA.
Policy 11(e)(ix) Biodiversity including impacts on birds.	EIA Report Chapter 8: ‘Terrestrial Ecology’ considers the potential effects of the Proposed Development on designated sites, habitats, and non-avian protected species, during construction and operation. The assessment also considers the contents of the Applicant’s OBEMP, which forms Technical Appendix 8.7 to the Chapter. The chapter notes that the Proposed Development Site comprises a variety of ecologically sensitive areas, including Annex 1 habitats and Scottish Biodiversity List (SBL) Priority Habitats, some of which qualify as Priority Peatland, Ancient Woodland, and Caledonian Pinewood. The Site also supports protected and notable species, including otter, pine marten, red squirrel, amphibians, reptiles, dragonflies, and other protected SBL invertebrates. EIA Report Table 8.2 identified which Important Ecological Receptors (IEFs) were scoped in or out of the assessment. The assessment does identify some significant effects before the implementation of mitigation, on a number of ecological receptors as summarised in EIA Report Table 8.15. In each case, and with mitigation

Policy Criteria	Commentary
	in place, most significant effects are predicted to fall to non-significant levels. Significant residual effects at the local level are identified on reptiles, amphibians, and invertebrates, and regionally significant impacts on azure hawker dragonfly as a result of permanent habitat loss, and red squirrel, pine marten, otter, amphibians, and reptiles as a result of increased traffic. The assessment in EIA Report Chapter 8 notes that permanent and temporary habitat loss for Annex 1 and SBL Priority Habitats is anticipated. However, comprehensive mitigation and biodiversity enhancement strategies, including extensive habitat creation, restoration, and enhancement in the local area is expected to offset biodiversity losses (see Technical Appendix 8.7). These works include peatland restoration exceeding the required 1:10 lost-to-restored ratio, bog pool creation and extensive woodland creation. Overall, the assessment in EIA Report Chapter 8 concludes that after the application of mitigation measures, the residual effects on most ecological receptors are expected to be non-significant, albeit some locally significant effects upon some species would remain post mitigation, with a moderate to high confidence level in the effectiveness of the mitigation strategies. Long-term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long-term impacts on local populations and sensitive habitats. EIA Report Chapter 10: 'Ornithology' considers the potential effects of the Proposed Development on wild bird populations during the construction and operational phases, including sites designated for ornithology. Potential impacts upon ornithology include those arising from habitat loss, disturbance and displacement. Two ornithologically-designated sites are present approximately 5 km from the Proposed Development; the West Inverness-shire Lochs SPA and West Inverness-shire Lochs SSSI. Eight bird species were taken forward for assessment in EIA Report Chapter 10 namely black grouse, common sandpiper, common scoter, dipper, goldeneye, ptarmigan, ringed plover and snipe. Potential impacts upon three further species afforded legal protection, are assessed in the Confidential Technical Appendix 10.1 and these species are greenshank, red-throated Diver and wood sandpiper. During construction, significant effects upon common scoter (habitat loss and displacement) were identified, pre-mitigation. As all species are considered to be tolerant of the operational scheme, with all species adapting to a stable future baseline within a short-time period following the completion of the construction period, no significant operational effects requiring mitigation were identified. For species assessed in Confidential Appendix 10.1, the assessment concluded that these would be subject to minor displacement and disturbance throughout the construction period and some operational impacts would also be experienced; however, all effects are not significant.

Policy Criteria	Commentary
	Notwithstanding the finding of no significant effects upon any bird species, a range of good practice measure are proposed that would further minimise the potential for adverse effects upon bird populations, as summarised in EIA Report Table 10.7 and in the Confidential Appendix 10.1, Table 10.1.1. EIA Report Chapter 11 'Aquatic Ecology' considers the potential effects of the Proposed Development on aquatic ecology (fish fauna, fish habitat, freshwater pearls, macroinvertebrates and macrophytes), during construction and operation. During the construction phase potential effects could arise as a result of the partial dewatering of Loch Quoich, partial dewatering of Loch Fearna to facilitate construction of the Fearna Dam, quarrying of borrow pits, noise and vibration and potential impacts upon water quality etc. EIA Report Table 11.13 summaries potential effects upon IEFs before mitigation, which confirms significant effects would arise upon a ranges of IEFs unless mitigated. With mitigation in place to be secured through a number of documents including CNVMP, CEMD, Pollution Prevent Plan (PPP), Dust Mitigation Plan and Surface Water Quality Monitoring Programme all significant effects would reduce to non-significant levels as summarised in EIA Report Table 11.15. Operational effects upon aquatic features could arise if fish were attracted to the proposed location of the intake due to fluctuations in water levels in the Lochs; operation of the dams; noise and vibration; changes in water quality etc. EIA Report Table 11.14 summaries potential effects upon IEFs before mitigation, which confirms most effects would not be significant, but there is a potentially significant effect as a result of fluctuations in water quality in Loch Quoich upon Atlantic charr. With mitigation in place no significant residual operational effects would arise as summarised in EIA Report Table 11.16. <u>Shadow Habitats Regulations Appraisal and Appropriate Assessment</u> As the West Inverness-shire Lochs SPA is both functionally and hydrologically linked to the Proposed Development a separate shadow Habitats Regulations Appraisal (HRA) report is provided with the application. This shadow HRA identified the potential for Likely Significant Effects (LSEs) as follows:- • Loss of habitat for Common Scoter through direct habitat loss during construction; • Permanent displacement of Common Scoter from construction works; and • Reduction of water quality resulting from the construction period. The following effect on the West Inverness-shire Lochs SPA was identified for the operational phase of the Proposed Development: • Change in water quality discharged to the SPA waterbodies resulting from mobilisation of sediments within the Fearna reservoir. Information to inform an Appropriate Assessment (to be undertaken by the Competent Authority) is presented in Table 3 of the Shadow HRA. The Shadow HRA concludes that once mitigation and enhancement measures are fully implemented, as part of an Appropriate Assessment, there would

Policy Criteria	Commentary
	be no adverse effects on the integrity of the West Inverness-shire Lochs SPA.
Policy 11(e)(x) Impacts on trees, woods and forests.	EIA Report Chapter 9: 'Forestry' considers potential effects of the Proposed Development upon forestry, supported by Technical Appendices 9.1 - 9.3. Those assessments focused upon construction of the SAR which passes through forestry, the construction of which will require the felling of trees along the following sections:- • New A87 junction and bridge; • upgrade of existing forest road to Coire Glas exit; • Coire Glas exit to eastern edge of Glen Kingie Forest; • eastern edge of Glen Kingie Forest to western edge of Kingie Estate Forest block; • western edge of Kingie Estate Forest to upper dam of the proposed PSH scheme; • extension to Poulary Quarry; and • the main Site Compound. These various works will cumulatively lead to the permanent loss of 6.98 ha of ancient woodland habitats and Plantation on Ancient Woodland Sites (PAWS) and a further 18.81 ha of non-native plantation conifers, as summarised in Table 9.12 of EIA Report Chapter 9. The felling is to take place within two estates where approved Forest Plans are in place. Amendments to these Forest Plans will be required to facilitate construction of the Proposed Development, details of which are set out in Technical Appendix 9.3. Various measures to mitigate the effects of these losses and to lead to enhancement are proposed which comprise:- • At least two native woodland creation schemes will be developed with a net plantable area of not less than 100 ha; • At least 100 hectares of existing ancient woodland will be protected from browsing impacts by the establishment of deer-proof exclosures, to allow natural regeneration; • Improvements to riparian habitats including fencing and tree planting will be targeted to improve conditions for fish and invertebrates in various places along the Garry and the Gearr Garry; and • A programme for the removal of invasive non-native plant species from the native woodland remnants and the wider landscape on the shore of Loch Quoich around the Allt a Mheil to the Allt Uaine, will be combined with a wider project to restore and expand these woodland habitats. Further details on each of these initiatives is set out In Technical Appendix 8.7, the OBEMP.

Policy Criteria	Commentary
	Overall, EIA Report Chapter 9 concludes that the Proposed Development is unlikely to cause significant adverse effects on woodlands and forestry at the regional level, with predicted residual effects primarily confined to the local level and mitigated through targeted protection and restoration measures. The Chapter considers that the above measures alongside existing initiatives such as ongoing native woodland restoration and expansion within Glengarry Forest by Forest and Land Scotland, and the restructuring and diversification of the Glen Kingie and Kingie Estate forest blocks, is likely to lead to a significant net increase in the cover of native woodland habitats and in the condition of existing ancient semi-natural woodlands in the Glengarry-Glenquoich watershed with associated benefits for biodiversity and wildlife.
Policy 11(e)(xi) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.	Not relevant. The Applicant is seeking permission for a permanent use.
Policy 11(e)(xii) The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.	Not relevant. The Applicant is seeking permission for a permanent use.
Policy 11(e)(xiii) Cumulative impacts.	Each chapter of the EIA Report considers the potential for and significance of cumulative impacts associated with the Proposed Development, with these other developments shown on EIA Report Figure 7.6. No significant adverse residual cumulative effects are identified with the exception of the LVIA which identifies potentially significant cumulative effects with the Scoping stage Beinn Bheag Wind Farm, located to the immediate south of the Proposed Development. EIA Report Chapter 7 identifies the potential for some significant effects arising from Beinn Bheag Wind Farm as follows:- • Localised significant effects upon LCT239; • Localised significant effects upon WLA18. This Wild Land Area is discussed in greater detail against NPF4, Policy 4(g);

Policy Criteria	Commentary
	- Localised significant effects upon the Moidart, Morar and Glen Shiel SLA. This SLA is discussed in greater detail against NPF4, Policy 4; - Significant visual effects upon stretches of receptor route R2 (the Mountain route to Gleouraich / Spidean Mialach); and - Significant visual effects upon stretches of receptor route R3 (the Mountain route to Gairich).

- 5.43. As this point by point assessment against Policy 11 part (e) demonstrates, most residual impacts associated with the Proposed Development are not considered to be significant. It is recognised, however, that the Proposed Development will give rise to some significant environmental impacts that cannot be entirely mitigated, for example long term operational landscape and visual impacts and short term construction impacts upon some protected species.
- 5.44. The LVIA has identified that there would be localised significant landscape and visual effects occurring during the construction of the Proposed Development, largely related to the introduction of large scale construction activities within an upland area with limited human intervention. This is also expected lead to some significant effects on the landscape character and identified Special Qualities of the Moidart Morar and Glen Shiel SLA, and Wild Land Qualities of WLA18. Significant visual effects are also predicted for users of a minor road, the C1144, and recreational users of two upland routes within this area. These effects would soften once vegetation has been restored and new planting establishes, but it is recognised that some localised significant landscape effects would remain, within around 4 km of the Site. A significant visual effect is also expected to remain for recreational users on the surrounding mountain walking route to the Munros, Gleouraich and Spidean Mialach, which would be diverted to follow the top of one of the dams.
- 5.45. Localised significant residual effects will arise upon some species during the construction phase such as reptiles, amphibians, invertebrates and azure hawker dragonfly (the latter regionally significant). No significant residual effects upon these species would arise during the operational phase and EIA Report Chapter 8 considers that long-term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long term impacts on local populations and sensitive habitats
- 5.46. Given the substantial project benefits associated with this national scale development, these residual significant environmental effects are not considered unacceptable, as discussed further in Section 6 'Conclusions'.
- 5.47. In considering Policy 11(e) in the round, it is relevant to note the comments of the Reporter in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2 May 2023). In paragraph 9.129 of that report, the Reporter noted:-
- 'We do not agree with the interpretation of some parties that all of the items listed must necessarily be fully mitigated or resolved. We agree with the applicant that this should form part of the decision-maker's process of weighing the planning balance'.*
- 5.48. This comment confirms that even if non-compliance with one or more criteria of Policy 11(e) were to be found, this does not equate to non-compliance overall with NPF4.

- 5.49. Importantly, NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts *'are to be expected for some forms of renewable energy'*. Policy 11 also notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied.
- 5.50. In the absence of any guidance on what defines 'localised' within the context of this policy, the Applicant's position is that the significant landscape and visual effects of the Proposed Development could reasonably be described as localised (that is the term used in the LVIA), most being confined to within approximately 4km of the Site following landscape mitigation. This assessment of the extent of landscape and visual effects is similar to the Applicant's recent application for another PSH scheme at Earba. That application was recently considered at Highland Council Planning Committee where it was agreed to raise no objection to the application (reference 24/01056/S36). In that committee report, there was agreement from the Council Planning Officer and the Landscape Officer that the Applicant's assessment of the localised nature of landscape and visual effects *'is not disputed'* (para 5.26) and also agreement to this assessment is noted in paragraph 7.156.
- 5.51. It is recognised that there would be significant effects upon the Moidart, Morar and Glen Shiel SLA during construction and localised significant effects on the SLA during operation, but the LVIA in EIA Report Chapter 7 concludes that the operational effect on the SLA as a whole would not be significant (see later commentary on NPF4 Policy 4).
- 5.52. Policy 11(e)(ix) refers to biodiversity and positive effects which would arise as a result of the Applicant's proposed compensation and enhancement activities as set out in the OBEMP. These matters are discussed further below in relation to NPF4 Policy 3.
- 5.53. To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-
- 'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets' (emphasis added)*
- 5.54. Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that as a matter of national planning policy, they must give significant weight to the renewable energy benefits (including pumped storage hydro) of a scheme in the planning balance (this is also set out in Policy 1 which also addresses the nature crisis and is discussed below).
- 5.55. The strength of this policy has been demonstrated in the aforementioned Shepherds Rig and Clashindarroch II Wind Farm cases, where previous recommendations to refuse permission were amended to recommendations for approval, following the adoption of NPF4 and those Reporters giving 'significant weight' to the project benefits in the planning balance. The Reporter in the more recent Sanquhar II Wind Farm report described the introduction of NPF4 and the OWPS as a *'tangible shift in planning policy'* in paragraph 4.5.

5.56. In considering Policy 11 overall, it is important to remember that the stated policy Outcome is:-

'Expansion of renewable, low-carbon and zero emissions technologies'.

5.57. The Proposed Development would help achieve this Outcome and following the policy commentary in Table 2 it is considered that the Proposed Development can be positively assessed against Policy 11 individually and when the policy is considered in the round.

Other NPF4 Policies

5.58. NPF4 Policy 11 is the most relevant topic specific policy to the Proposed Development. Other NPF4 policies are relevant and NPF4 notes on page 98 *'The policies should be read as a whole'*. The following paragraphs consider other NPF4 policies considered to be of relevance to the Proposed Development before commentary moves onto the Highland-wide Local Development Plan.

Policy 1: Tackling the Climate and Nature Crises

5.59. Policy 1 states in full that:-

'When considering all development proposals significant weight will be given to the global climate and nature crises'.

5.60. The Policy Intent is to *'encourage, promote and facilitate development that addresses the global climate emergency and nature crises'*. The Policy Outcomes are *'zero carbon, nature positive places'*.

5.61. This policy applies to all forms of development and not just renewable energy and infrastructure proposals. The reference to the need to give 'significant weight' to the global climate and nature crises in this overarching policy aligns with but goes further than Policy 11, which does not specifically mention the nature crisis.

5.62. The language of this overarching policy is very clear and shows the seriousness with which Ministers are treating these two fundamental issues. Combined with the Policy Intent and Policy Outcomes, there can be no doubt about what this policy is designed to achieve and what it requires of decision makers. It is clear that there is no longer any discretion about what weight should be given to these matters in the planning balance, and this marks a notable and significant shift in national planning policy which has been put into practice by Reporters and Ministers on recent renewable energy cases.

5.63. The Proposed Development will have a capacity of up to 1,800MW to store and release energy to and from the electricity transmission system, a national scale development in NPF4. The Proposed Development will make a substantial and meaningful contribution to meeting the Scottish Government's renewable energy generation targets and the net zero legal obligations by 2045. While the Proposed Development is a PSH scheme and not a battery energy storage system (BESS) it essentially plays a similar role to BESS projects, by helping to accommodate more 'home grown' renewable energy. The importance of energy storage projects to the Scottish Government's net zero targets was demonstrated in November 2024 Scottish Ministers decision on the Alyth BESS development.

- 5.64. In their decision letter on that development dated 26 November 2024 (Ref: ECU00004631)²⁴, Scottish Ministers stated in paragraph 52 that:-

'battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets, by increasing the productivity of renewable generators elsewhere on the grid. This is a significant factor weighing in favour of the proposed Development.' (emphasis added)

- 5.65. While the Proposed Development is not a BESS project, it will help increase the productivity of renewable energy elsewhere on the grid and this is a significant factor in the planning balance in support of the Proposed Development. The Proposed Development will provide storage to allow continuous generation for approximately 20 hours at maximum capacity and is therefore considered to be a LDES project, which is different to but complements battery energy storage which at present typically provide one to two hours of storage.
- 5.66. The potential GHG savings associated with the Proposed Development are set out in Technical Appendix 12.3, Carbon Calculator. This considers GHG emissions (tCO₂e) during the construction phase, then compares this with the net carbon benefits of the energy outputs during the operational phase in terms of avoided GHG emissions associated with electricity generation from the Proposed Development using 100% surplus energy generated from renewable sources. The projected carbon losses and savings are set out in Table 1 of Technical Appendix 12.3. The assessment calculates that the net emission of GHG which would be saved by utilising the PSH for power generation instead of the UK Grid mix is of the order of 1,951,112 tCO₂ per year. This is a substantial saving of GHG emissions and demonstrates how much of an important role the Proposed Development could play in meeting net zero targets.
- 5.67. Finally, the Applicant has put forward a suite of biodiversity enhancement measures that would go beyond mitigating adverse effects of the Proposed Development and will result in enhancement. These proposals include peatland restoration exceeding the required 1:10 lost-to-restored ratio. Development of these measures has been an integral part of the Proposed Development, and the principles of the Applicant's biodiversity enhancement works are discussed below in Policy 3. The dual benefits of the Proposed Development will ultimately make a positive contribution to the Policy Outcome of Policy 1 which is to deliver 'Zero carbon, nature positive places'. These factors allow the Applicant to draw strong support from Policy 1 for the Proposed Development.

Policy 3: Biodiversity

- 5.68. The Intent of Policy 3 is *'to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks'*. The Policy Outcomes are that *'biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions'*.
- 5.69. Policy 3 sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *'national or major development or for*

²⁴ <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004631&T=6>

development that requires an Environmental Impact Assessment'. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity 'so that they are in a demonstrably better state than without intervention'. Part (b) continues and sets five criteria that proposals will be expected to meet. These are discussed in Table 3 below.

- 5.70. Before commenting on Policy 3(b), it is worth noting that a consultation exercise by NatureScot on an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3b ran in 2024²⁵. At the time of writing in February 2025, there is no standard agreed Scottish metric for considering schemes against NPF4 Policy 3(b).
- 5.71. An OBEMP (Technical Appendix 8.7) sets out proposed habitat restoration and management measures proposed for the Proposed Development, which have been used in part to complete the commentary in Table 3 below.

Table 3: Commentary on NPF4 Policy 3 (part b)

Policy Criteria	Commentary
Policy 3(b)(i) 'The proposal is based on an understanding of the existing characteristics of the Site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats'.	The design of the Proposed Development is based upon a thorough understanding of the Site and its ecological context, obtained through desk-based assessment, field work and consultation. EIA Report Chapter 3 'Consideration of Alternatives and Design Evolution' explains the key design principles applied by the Applicant, alternative sites considered, alternative designs considered etc. That Chapter demonstrates how the Proposed Development has been informed by a significant understanding of the Site built up through surveys, while applying technology specific operational requirements. The assessment of the impacts of the Proposed Development, mitigation measures and enhancement proposals have been informed by a significant understanding of the Site built up over extensive survey periods, consistent with this policy requirement (see also EIA Report Chapters 8, 9, 10 and 11).
Policy 3(b)(ii) 'Wherever feasible, nature-based solutions have been integrated and made best use of.'	NPF4 defines nature-based solutions as '<i>...actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits</i>'. The Proposed Development proposes a range of measures to deliver biodiversity enhancement which are set out in Technical Appendix 8.7 Measures proposed in the OBEMP include peatland restoration, compensatory woodland creation, control of herbivores including deer targeted bog pool creation and restoration within peatland areas, the installation of nesting bird boxes etc – along with post construction monitoring surveys to monitor the effect of the Proposed Development on both habitats and species.

²⁵ <https://www.nature.scot/doc/biodiversity-metric-scotlands-planning-system-key-issues-consultation>

Policy Criteria	Commentary
	These outline proposals will be subject to further detailed work and development, should consent be granted and can be secured through an appropriately worded planning condition. At this stage, it is considered that the measures outlined in the OBEMP are consistent with the objectives of this criterion.
Policy 3(b)(iii) 'An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements'.	The design of the Proposed Development has sought to implement the mitigation hierarchy (NPF4 definition, page 153) and avoid features of biodiversity importance wherever possible. This approach has allowed the assessments in EIA Report Chapters 8, 10 and 11 to scope out some areas where there is no likelihood of significant environmental impacts arising, while also setting out the nature of embedded and additional mitigation measures required to avoid significant environmental effects from arising. Where adverse effects are identified, mitigation measures have been identified which reduces residual effects to non-significant levels in most instances. Where significant residual effects remain following mitigation, the Applicant is proposing a range of (i) compensatory measures to offset residual effects and (ii) enhancement measures to provide new benefits for biodiversity. The assessment in EIA Report Chapter 8 concludes that long term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long-term impacts on local populations and sensitive habitats. Following implementation of these mitigation, compensation and enhancement measures, the EIA Chapters conclude that no long term significant residual effects will arise upon any receptor or designation. In considering the mitigation hierarchy, it is relevant to note the decision of the Court of Session in the Wildcat Haven legal challenge to the grant of consent for the Clashindarroch II Wind Farm, which establishes that the mitigation hierarchy is not a rigid sequential approach²⁶.
Policy 3(b)(iv) 'Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be	The OBEMP (Technical Appendix 8.7) proposes extensive habitat restoration and enhancement measures including large-scale peatland and woodland restoration measures as summarised in Section 3 of this report. The measures go beyond mitigating the effects of the Proposed Development and includes measures to provide significant biodiversity enhancements. It is anticipated that a final BEMP will be finalised in consultation with the relevant stakeholders and landowners post consent and prior to the commencement of the development. The approach to providing biodiversity enhancement is outlined in section 1.6 of the OBEMP, which explains why a bespoke compensation and enhancement approach has been used, rather than following a metric. The proposals are considered to be the most suitable for the Site, wider estate and the local setting. Various

²⁶https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2024csoh10.pdf?sfvrsn=bbc6492c_1

Policy Criteria	Commentary
included, wherever appropriate'.	measures to enhance biodiversity are set out in Technical Appendix 8.7, Table 5.3 and the accompanying assessment in EIA Report Chapter 8 concludes that long term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain.
Policy 3(b)(v) 'Local community benefits of the biodiversity and/or nature networks have been considered'.	The focus of the Applicant's enhancement measures is on securing biodiversity and nature conservation benefits through the OBEMP, including tree planting, peatland restoration and deer management. A Draft Outdoor Access Management Plan (Technical Appendix 14.1) has been prepared in support of the application which provides a plan for maintaining public access routes during the construction and operational phases and enhancing public outdoor access in the long term. It is expected that the Draft Outdoor Access Management Plan would be developed further should consent be granted and where necessary this would align with the final BEMP. It is proposed that the Final Outdoor Access Management Plan will be reviewed every three years to consider the success of the Proposed Development integrating into the baseline environment in relation to outdoor access provision, to confirm all proposed mitigation measures have been achieved and to assess whether new or enhanced provisions have established fully and where any further promotion or information may be required.

- 5.72. Policy 3(d) requires that any potential adverse impacts (including cumulative) on biodiversity, nature networks and the natural environment should be minimised through the design process, taking into account the need to, inter alia, reverse biodiversity loss, enhance nature networks and maximise the potential for restoration.
- 5.73. A development is this scale and nature will inevitably give rise to some environmental impacts upon biodiversity that require mitigation. The iterative approach to site design is explained in EIA Report Chapter 3, resulting in a development that gives rise to very few residual significant adverse effects upon biodiversity. While some significant and mainly localised effects on species will arise during the construction phase, the long-term habitat restoration measures are anticipated to promote recovery and provide biodiversity net gain, reducing long-term impacts on local populations and sensitive habitats.
- 5.74. The OBEMP contains a range of measures that will improve biodiversity including substantial blanket bog restoration of approximately 640ha, compensatory woodland creation and restoration of no less than 200 ha, the installation of artificial nesting boxes for birds and bats, bog pool creation and restoration within peatland areas etc would improve biodiversity including strengthening habitat connectivity within the Estate. Overall, EIA Report Chapter 8 'Terrestrial Ecology' concludes that the various measures set out in the OBEMP will result in biodiversity within the site and beyond within the OBEMP areas, being in a demonstrably better state than without intervention.

- 5.75. Finally, it is relevant to note that delivering biodiversity enhancements is a policy, rather than a legal requirement. It is notable also that even non-compliance with NPF4 Policy 3 is not necessarily a barrier to the grant of consent given the established need for low carbon technologies to mitigate climate change. The Devilla BESS S36 decision letter²⁷ (November 2023) notes at paragraph 63:

'Climate change will increase the risk of flooding and drought, impacting biodiversity - including not just the Devilla Forest but Scotland as a whole. Climate change is the single greatest threat to Scotland's habitats. The Scottish Ministers consider this justifies giving greater weight to NPP [sic] policies 1 and 11 than policy 3 when weighing up the support for the proposed Development'.

Policy 4: Natural Places

- 5.76. This policy sets the basis for assessing applications that affect European natural heritage designations, such as SPAs, as well as proposals affecting National Parks and NSAs and also national and local level natural heritage and landscape designations. The Policy Intent is to *'protect, restore and enhance natural assets making best use of nature-based solutions'*. There are two Policy Outcomes namely (i) *'natural places are protected and restored'* and (ii) *'natural assets are managed in a sustainable way that maintains and grows their essential benefits and services'*.
- 5.77. Part (a) states that proposals that have an 'unacceptable' impact on the natural environment will not be supported. Considering what is and is not acceptable about a particular development is a matter of planning judgement, considering a wide range of factors including project benefits. As NPF4 notes on page 98 *'Planning is complex and requires careful balancing of issues'*. The acceptability of the environmental impacts of the Proposed Development are addressed in Section 6 'Conclusions'.
- 5.78. Parts (b), (c) and (d) of Policy 4 relate to European, national and local level designations respectively.
- 5.79. As far as European natural heritage designations are concerned, a shadow HRA report is submitted as a stand-alone report, which sets out a detailed assessment of the effects of the Proposed Development on West Inverness-shire Lochs SPA, which is hydrologically linked to the Site. The HRA provides information to allow the Competent Authority to undertake an Appropriate Assessment. The Shadow HRA concludes that once mitigation and enhancement measures are fully implemented, as part of an Appropriate Assessment, that there would be no adverse effects on the integrity of the West Inverness-shire Lochs SPA either alone or in-combination with other plans or projects. The Proposed Development therefore complies with part (b) of Policy 4.
- 5.80. Part (c) relates to national level designations, including SSSIs, National Parks and NSAs. This states that proposals will only be supported where the objectives of the designation and overall integrity of the area will not be compromised, or, any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

²⁷ <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00003469&T=6>

- 5.81. In terms of SSSIs, which are national scale designations, EIA Report Chapter 8: 'Ecology' and Chapter 10 'Ornithology' identified no significant residual construction or operational phase effects upon any such designation.
- 5.82. The site is not located within a National Park or NSA, as shown by EIA Report Figure 7.3. The Site is located approximately 6.5 km from the Knoydart NSA and effects upon this NSA were scoped out of detailed assessment in the EIA Report in agreement with NatureScot as the potential for significant effects is unlikely. Notwithstanding, a review of the effects of the Proposed Development on the Special Landscape Quality (SLQs) of the NSA was undertaken as set out in EIA Report Table 7.8. As that Table demonstrates, no significant effects upon any of the six SLQs of the NSA are predicted.
- 5.83. On the basis of these comments on national scale designations, it is considered that the Proposed Development complies with Part (c) of Policy 4. No significant effects have been identified and minor effects that have been identified are considered to be clearly outweighed by the very significant renewable energy benefits of the proposal, the significant biodiversity improvements and the significant economic benefits arising during the construction and operational phases. These are important factors to consider as part of any appraisal against part (ii) of Policy 4(c).
- 5.84. Policy 4 Part (d) deals with local landscape areas and local nature conservation sites. This part of Policy 4 sets two considerations for decision makers when assessing proposals that affect local designations. The policy states that such proposals will only be supported where:-

'Development will not have a significant adverse effect on the integrity of the area or the qualities for which it has been identified; or ;(underlining added)

'Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance' (underlining added).

- 5.85. There are no local nature conservation sites within the vicinity of the Site that could be affected by the Proposed Development.
- 5.86. Within Highland, local landscape designations are referred to as Special Landscape Areas (SLAs). As EIA Report Figure 7.3 shows, the Site is located within the Moidart, Morar and Glen Shiel SLA. Effects on this SLA are set out in detail in Technical Appendix 7.5. Table 1 of that document considers the Proposed Development against the Special Qualities (SQs) of the SLA. The assessment concludes that there would be temporary but significant effects on the landscape quality of the SLA during construction within a localised area around Loch Quoich, leading to locally significant effects on two SQs:-
- *'Much of the area represents the "back door" into Knoydart, Glenshiel and Kintail. At Kinlochhourn and the junction of Glen Dessary and Glen Pean at Strathan, long distance walking routes proceed west. Apart from the sporting estates and a limited number of forestry and hydro workers, the main users of this area are hillwalkers and wilderness enthusiasts who typically engage in multi-day treks'; and*
 - *'Quiet, uninhabited glens and isolated peaks create a landscape experience where the sense of wildness, and tranquillity are key qualities'.*

- 5.87. During the operational phase with the completion of construction works with associated noise and movement, the assessment in Technical Appendix 7.5 considers that the areas likely to be significantly affected would reduce, such that effects upon the first SQ above would no longer be significant. A significant, but localised, significant effect is predicted to continue for the second SQ noted above during the operational phase where the upper reservoir and dam would be prominent. However, the overall contribution of this effect on the SLA as a whole is not predicted to be significant.
- 5.88. Overall, the assessment of the SLA presented in Technical Appendix 7.5 concludes that effects during construction would be significant upon the two SQs, but the operational effect on the SLA as a whole would not be significant.
- 5.89. On the basis of these findings, it is considered that the Proposed Development is supported by Policy 4(d)(i). If these conclusions are not accepted, the wording of Policy 4(d)(ii) allows decision makers to still approve developments which may have a significant effect on the integrity of a local landscape designation where these effects are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 5.90. In this instance, it is considered that the benefits of the Proposed Development are considered to outweigh the adverse effects upon the SLA and that these are demonstrably of at least local importance. The fact that the Proposed Development falls into the category of National Development 2, Pumped Hydro Storage, in NPF4 supports this position. Reference is again drawn to the Council's planning committee report in respect of the recent Earba PSH scheme, a proposal of a similar scale to the Proposed Development, which also benefits from National Development status. In paragraph 7.7 of the committee report, Council Planning Officers noted:-
- 'In summary, the principle of pumped hydro storage development is well established in national policy, with the proposed development being of national importance for the delivery of the National Spatial Strategy. NPF4 considers that pumped storage hydro will play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of the transition to net zero. It is further necessitated with the move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions.....when determining renewable energy proposals, the ability to meet these targets therefore demands substantial weight when undertaking the planning balance exercise' (underling added).*
- 5.91. The Proposed Development is the same technology as the Earba scheme and of a similar scale and the above commentary supports the assessment of the Proposed Development against NPF4 Policy 4(d)(ii), and more widely for that matter.

- 5.92. Part (f) relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development and potential impacts must be fully considered prior to the determination of any application. The design of the Proposed Development has carefully considered potential impacts upon protected species. Through embedded mitigation and following the application of various mitigation measures during construction, (such as the appointment of a full time Ecological Clerk of Works), potential impacts upon protected species were reduced but as a result of habitat loss and disturbance effects and due to increased traffic generation during the construction phase some locally significant residual effects on reptiles, amphibians, invertebrates, red squirrel, pine marten, otter are predicted along with regionally significant effects on azure hawker dragonfly.
- 5.93. Long term habitat restoration efforts and anticipated to promote recovery and provide biodiversity net gain, reducing long term impacts on local populations and sensitive habitats. No significant effects would arise upon any bird species.
- 5.94. Part (g) of Policy 4 is relevant as a large part of the Site with the exception of the SAR is located within WLA 18 'Kinlochhourn-Knoydart-Morar' as shown by EIA Report Figure 7.3. Policy 4(g) states that proposals that support meeting renewable energy targets are one of the few potentially acceptable uses in a WLA. Each proposal needs to be subject to a wild land assessment, to consider how impacts on the qualities of the WLA in question have been minimised through design, siting or other mitigation measures. A Wild Land Assessment is submitted as EIA Report Appendix 7.4 which considers the Proposed Development against each of the Wild Land Qualities (WLQs), which are also identified in EIA Report Table 7.6.
- 5.95. There are five WLQs for this WLA, but the assessment focused on WLQs 1- 3 only, with WLQs 4 and 5 scoped out of detailed assessment in agreement with NatureScot because these WLQs refer specifically to landscape areas beyond the LVIA study area and would not be affected by the Proposed Development.
- 5.96. The Wild Land Assessment has identified that during construction significant effects would occur within a relatively localised area, extending out to approximately 5 km from the Site on the south side of Loch Quoich to the summit and ridgeline of Gairich. During construction the levels of construction activity and large scale works such as excavations and construction of dams would very noticeably reduce the attributes of perceived naturalness, lack of construction and modern artefacts and the sense of solitude in the immediate area around the upper reservoir up to the summit of surrounding peaks. Other areas would be affected but less so as the Proposed Development would be seen within a context where contemporary land use and modern artefacts are already apparent around Loch Quoich.
- 5.97. During operation, effects on the WLA would reduce as there would be little ongoing human activity leading to some of the aforementioned qualities continuing to be present. Once construction works are complete and restoration has taken place, the assessment concludes that there will be a localised significant effect on WLQ1 limited to more enclosed parts of the WLA, generally within 4km with the effect on the summit area and ridges of Gleouraich and Gairich predicted to be not significant. For context, VLs 3 -5 are taken from within the WLA.

- 5.98. Overall, the Wild Land Assessment concludes that the longer term significant effects associated with the operation of Proposed Development would be localised in relation to the WLA as a whole affecting an area close to the edge of the WLA where there is already some influences which reduce the physical attributes of perceived naturalness, absence of modern artefacts and contemporary land use.
- 5.99. While the Proposed Development would lead to some changes in the strength of wildness in WLA 18 leading to localised residual significant effects to one WLQ only, and slightly influencing the sense of remoteness more widely, the Wild Land Assessment concludes that these changes would be unlikely to lead to significant effects on this very large WLA as a whole.
- 5.100. As noted, Policy 4(g) does allow proposals within WLAs which support meeting renewable energy targets. The Proposed Development is one such use and the accompanying Wild Land Assessment demonstrates that significant impacts on the qualities of the WLA have been minimised through the design evolution process. It is recognised that some localised significant effects will remain during the operational period, but these are contained and the approach to minimising the effects on the WLA is consistent with Policy 4(g).

Policy 5: Soils

- 5.101. The Intent of Policy 5 is to *'protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development'*. One of the Policy Outcomes seeks that *'valued soils are protected and restored'*.
- 5.102. EIA Report Figure 12.4 shows the NatureScot Carbon and Peatland Map, which indicates the mapped presence of Class 1 and Class 2 nationally important priority peatlands within the Site boundary and further afield. The assessment of potential effects upon soils is also supported by a National Vegetation Classification (NVC) Survey, which is submitted as Technical Appendix 8.1 and the findings of which are shown on EIA Report Figure 8.1.2.
- 5.103. Impacts of the Proposed Development upon peat and soils are discussed in EIA Report Chapter 12, supported by Technical Appendices 12.1 – 12.5 including Peat Landslide Risk Assessment as Technical Appendix 12.1, a PMP as Technical Appendix 12.2 and the Carbon Calculator as Technical Appendix 12.3.
- 5.104. Part (a) of Policy 5 notes that proposals should be designed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils. EIA Report Chapter 12 notes that the design of the Proposed Development has been informed by a detailed programme of peat depth probing allowing the design of the infrastructure to avoid areas of deep peat, where possible and technically feasible.
- 5.105. Part (c)(ii) notes that proposals for the generation of energy from renewable sources that optimise the contribution of the area to GHG emissions reduction targets are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland. The Proposed Development is one such use and could lead to the saving of 1,951,112 tCO₂ per year, that would otherwise be emitted by generating electricity from a UK Grid mix.

- 5.106. Part (d) sets out a requirement for a detailed site-specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources to be considered. It continues and states that this should inform careful project design and that impacts should first be avoided and then minimised through best practice. The requirement for a peat management plan is also noted.
- 5.107. To inform the design process, the Applicant undertook extensive peat probing across the Site. Over 20,000 peat probes were undertaken as part of survey work, which confirmed variable peat depths across the Site with the maximum depth being 3.6m. Average peat thickness was 0.4m. The condition of the peat was predominantly well drained and dry with bare peat exposed in some areas associated with extensive peat erosion.
- 5.108. Table B of Technical Appendix 12.2 provides further information on the peat depths recorded at various infrastructure locations across the Site. Table C of Technical Appendix 12.2 provides a breakdown of the volumes of peat to be excavated as part of the construction process and volumes to be re-used on Site as part of the restoration works. This confirms that the total volume of peat to be excavated is 478,427m³ while an estimated volume of 505,187m³ could be reused within the Site. Therefore, no excess peat requires to be disposed off-Site.
- 5.109. It is also relevant to note here that the Proposed Development includes proposals for peatland restoration across approximately 640 ha of land (see Technical Appendix 8.7 for details), alongside other environmental mitigation and enhancement which will help deliver Policy 5 Outcomes.
- 5.110. Overall, as a consequence of the embedded mitigation included in the Site design and subject to the adoption of mitigation measures including good practice measures, no significant residual effects on soils (including peat) will arise, which is consistent with Policy 5 requirements.

Policy 6: Forestry, Woodland and Trees

- 5.111. The intent of Policy 6 is to *'protect and expand forests, woodland and trees'*. One of the Policy Outcomes is *'Existing woodland and trees are protected, and cover is expanded'*.
- 5.112. As previously discussed under the commentary on Policy 11, the Proposed Development necessitates the felling of areas of trees, mainly to facilitate construction of the SAR. Cumulatively, these works will lead to the permanent loss of 6.98 ha of ancient woodland habitats and PAWS and a further 18.81 ha of non-native plantation conifers, as summarised in Table 9.12 of EIA Report Chapter 9.
- 5.113. Various measures to mitigate the effects of these losses and to lead to enhancement are proposed including at least two native woodland creation schemes which will be developed with a net plantable area of not less than 200 ha. A programme for the removal of invasive non-native plant species from the native woodland remnants and the wider landscape on the shore of Loch Quoich around the Allt a Mheil to the Allt Uaine, will be combined with a wider project to restore and expand these woodland habitats. The location of these proposals along with peatland restoration works are shown on EIA Report Figure 8.7.1.

- 5.114. Whilst some felling will be necessary mainly to facilitate construction of the SAR, overall tree cover will expand as a result of the Proposed Development. EIA Report Chapter 9 concludes with high confidence that the implemented mitigation and enhancement measures will reduce adverse effects to a level deemed non-significant in the long term and will result in Biodiversity Net Gain in the medium-long term. Overall, the Proposed Development is unlikely to cause significant adverse effects on woodlands and forestry at the regional level, with predicted residual effects primarily confined to the local level and mitigated through targeted protection and restoration measures. This approach finds favour in Policy 6.

Policy 7: Historic Assets and Places

- 5.115. This policy sets out the framework for assessing the impact of development proposals on a wide range of cultural heritage receptors. The Intent is *'to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'*. Policy Outcomes include that *'the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change'*.
- 5.116. As discussed in Section 3 of this Statement in agreement with both the Highland Council's Historic Environment Team and HES, impacts upon cultural heritage impacts were scoped out of the EIA.
- 5.117. No cultural heritage receptors would be significantly affected by the Proposed Development and there are no conflicts with Policy 7.

Policy 22: Flood Risk and Water Management

- 5.118. The policy intent of Policy 22 is to *'strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'* There are three policy outcomes which include *'water resources are used efficiently and sustainably.'*
- 5.119. Part (c) states that development proposals will:-
- I. *'not increase the risk of surface water flooding to others, or itself be at risk.'*
 - II. *manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;*
 - III. *seek to minimise the area of impermeable surface.'*
- 5.120. Commentary in relation to water and flood management is set out in EIA Report Chapter 6: 'Hydrology and Water Management' and in EIA Report Chapter 12 'Geology, Soils and Water'. As noted in the earlier commentary on Policy 11, these assessments conclude that the Proposed Development is not anticipated to lead to increased flooding elsewhere.
- 5.121. Policy 22 continues in part (e) stating that *'Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.'* EIA Report Chapter 6 notes that given the attenuation in the new upper reservoir, the Proposed Development may reduce the potential for flooding elsewhere under certain conditions. EIA Report Chapter 12: 'Geology, Soils and Water' confirms that the flood risk on Site is low and that the design of the Proposed

Development ensures no critical infrastructure is located in an area prone to flood risk. It further notes that flood risk during the operational phase would be mitigated, managed and regulated by the CAR licence and Reservoirs Act. The probability of flood risk being increased by the Proposed Development is considered to be extremely low and overall the Proposed Development is considered to comply with Policy 22.

Policy 23: Health and Safety

- 5.122. The Intent of Policy 23 is *'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing'*. There are three Policy Outcomes including that *'safe places protect human health and the environment'*.
- 5.123. Part (d) confirms that *'development proposals that are likely to have significant adverse effects on air quality will not be supported'*, while part (e) states that *'development proposals that are likely to raise unacceptable noise issues will not be supported'*.
- 5.124. In relation to the Proposed Development, potential impacts upon human health could arise from noise and vibration, mainly during the construction phases. Commentary on these matters is set out in EIA Report Chapter 16 and is discussed previously in relation to Policy 11(e)(i). In the absence of mitigation, potentially significant noise effects arising from road construction and upgrade works were identified for some NSRs as summarised in EIA Report Table 16.20.
- 5.125. In order to mitigate these noise effects, EIA Report Chapter 16 proposes that a CNVMP would be submitted to the Council for agreement prior to construction work commencing. With the implementation of mitigation in the CNVMP, all identified residual effects are considered to be not significant. In terms of Policy 23, these effects are not considered to be 'unacceptable'.
- 5.126. In relation to air quality, the Applicant is committed to adopting good practice measures for dust management during the construction phase and it is expected that the final CEMD would include measures related to air quality, for example through the preparation of a Dust and Air Quality Management Plan. This can be controlled through a planning condition. Overall, the majority of impacts relevant to this Policy would arise during the construction period and, as such, would be temporary. Mitigation can be put in place to minimise the potential for disturbance and no conflicts arise with Policy 23.

Policy 25: Community Wealth Building

- 5.127. The intent of Policy 25 seeks *'To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels'*. Policy Outcomes include *'support local employment and supply chains'* and *'support community ownership and management of buildings and land'*.
- 5.128. Part (a) of the Policy states that proposals that contribute to local or regional community wealth building strategies will be supported. While no specific schemes are identified at present, the Developer has been in discussions with the local community about these matters as part of the pre-application process and is committed in contributing to the local community by supporting specific projects in consultation with the communities affected, by the Proposed Development. The Applicant is proposing to establish a community benefit fund equivalent to 0.5% of the capital cost of the Proposed Development, to be split between the

construction and operational phases and which could be used by the community for various community wealth building initiatives or projects. Based upon an estimated capital cost in excess of £2.0 billion, this amount equates to approximately £10 million.

- 5.129. The Applicant intends to continue dialogue with key stakeholders on these issues following submission of the Application.
- 5.130. As discussed in relation to Policy 11 (c), the Proposed Development will give rise to significant socio-economic benefits during the construction and operational phases and will have significant beneficial effects for the regional economy. As such, it is considered the Proposed Development can draw support from Policy 25 and would contribute to the Policy Outcomes.

NPF4 Part 3 - Annex A 'Outcomes'

- 5.131. Part 3, Annex A confirms that NPF4 is required by law to contribute to six Outcomes. These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:-
- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
 - (b) improving the health and wellbeing of people living in Scotland,
 - (c) increasing the population of rural areas of Scotland,
 - (d) improving equality and eliminating discrimination,
 - (e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
 - (f) securing positive effects for biodiversity.
- 5.132. The Proposed Development can contribute positively to Outcomes (e) and (f) by constructing a LDES scheme which will help with the efficiency of renewable energy generation projects such as wind and solar, while delivering biodiversity improvements through a range of activities including bog restoration, woodland planting, deer management etc. It may also help with Outcomes (c) and (d) by the creation of a number of temporary jobs through the construction phases and permanent jobs through the operational phase which will help retain and possibly attract people to this part of the Highlands. Community benefit funding could be used to contribute to other objectives, but that would be a matter for the community and how it chose to spend such monies.
- 5.133. The main benefits of the Proposed Development will however be to help to deliver statutory targets for net-zero GHG emissions, help more renewable energy generation and contribute to more secure energy supplies. As Highland Council planners recognised in their assessment of the Earba PSH scheme recently, these are factors that attract 'substantial weight' in the planning assessment and lend support to the case for granting consent.

NPF4 Part 3 - Annex B 'National Developments Statements of Need'

- 5.134. This part of NPF4 identifies eighteen national developments which are described as '*significant developments of national importance that will help to deliver our spatial strategy*'.
- 5.135. Of relevance to the Proposed Development is National Development 2 '*Pumped Hydro Storage*'. NPF4 confirms that this class of national development '*will play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity systems as part of our transition to net zero*'.
- 5.136. Within the commentary on National Development 2 '*Pumped Hydro Storage*', NPF4 states *that 'Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.'*
- 5.137. NPF4 also confirms that proposals within this National Development category will '*support the delivery of sustainable places*' (page 7). The national development status of the Proposed Development must be accorded considerable weight in consideration of the application, recognising the national importance of the Proposed Development with the ability to generate up to 1,800MW of renewable electricity and leading to the displacement of 1,951,112 tCO₂ per year that would otherwise be emitted by generating electricity from a UK Grid mix.

NPF4 Part 3 – Annex C 'Spatial Planning Priorities'

- 5.138. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.
- 5.139. Highland falls within the 'North' Regional Area and NPF4 states that this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country. Page 125 of NPF4 recognises that this area also makes an important contribution to our climate change targets by supporting renewable energy generation and pumped hydro storage is specifically recognised as a technology that can support the energy network.
- 5.140. One of the priorities for this area identified on page 26 of NPF4 is to '*Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections.*' The Proposed Development can assist in achieving these regional objectives, while making a positive contribution to wider national efforts to combat the climate emergency and nature crisis.

The Highland-Wide Local Development Plan (HwLDP) 2012

- 5.141. This Section of the Planning and Energy Policy Statement considers those HwLDP policies of most relevance to the Proposed Development. As already noted in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, NPF4 prevails as the more recent document.

5.142. Inevitably there is some overlap between the aims and objectives of some HwLDP policies and the previously discussed NPF4 policies. To avoid unnecessary duplication, where HwLDP policies raise matters already discussed in relation to NPF4, cross reference will be made to the earlier national policy appraisal.

5.143. HwLDP Policy 67 'Renewable Energy Developments' is the 'lead' policy for the assessment of Proposed Development. It is acknowledged that the Proposed Development requires to be assessed 'in the round' against all policies in the HwLDP, however HwLDP Policy 67 is the key topic specific policy against which to assess the Proposed Development, noting also its criteria are wide ranging.

5.144. Policy 67 contains a number of criteria used to assess renewable energy applications and duplicates many of the aims and objectives of other planning policies within the HwLDP. As the Reporters report into the Limekiln Wind Farm from October 2018 (WIN-270-8) notes in paragraph 9.37:-

'Policy 67 can be relied upon almost exclusively given it provides the Council's adopted position specifically in respect of renewable energy development. Compliance or otherwise with policy 67 largely dictates the degree of compliance against the relevant provisions of other policies, but to take those other policies in isolation would run the risk of applying their requirements out of context'.

5.145. The HwLDP policies most relevant to the Proposed Development are addressed below, starting with Policy 67. These policies are

- Policy 28 - Sustainable Design;
- Policy 29 - Design Quality and Placemaking
- Policy 51 - Trees and woodland;
- Policy 55 – Peat and Soils;
- Policy 56 - Travel;
- Policy 57 - Natural, Built and Cultural Heritage;
- Policy 58 - Protected Species;
- Policy 59 - Other Important Species;
- Policy 60 - Other Important Habitats;
- Policy 61 - Landscape;
- Policy 63 - Water Environment;
- Policy 64 - Flood Risk;
- Policy 67 - Renewable Energy Developments;
- Policy 72 – Pollution; and
- Policy 77 - Public Access.

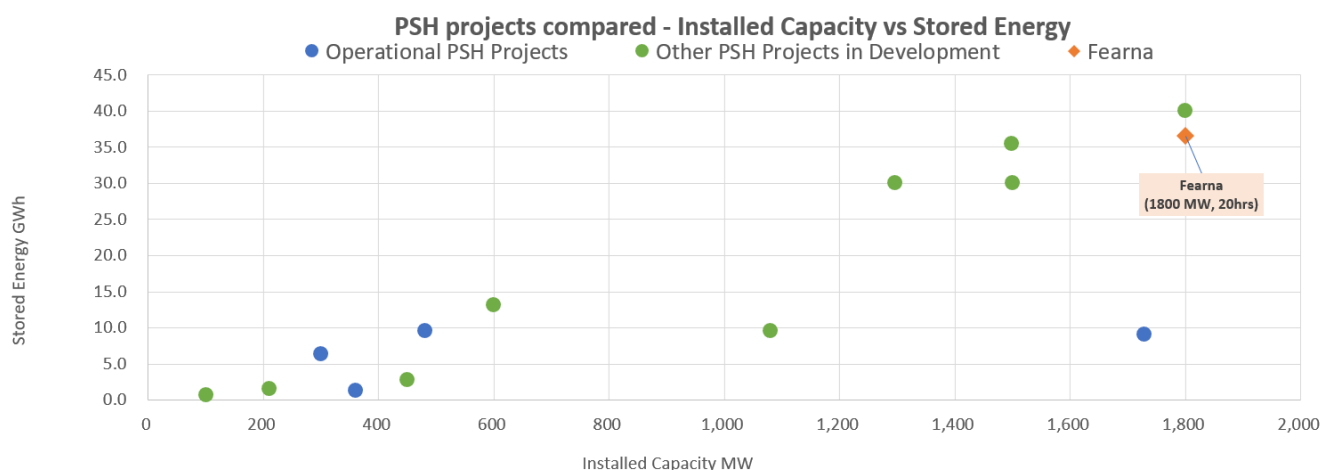
Policy 67: Renewable Energy Developments

5.146. At its core, Policy 67 supports the continued development of renewable energy developments, where a range of locational and environmental criteria can be achieved. It states that renewable energy proposals should be well related to the source of the primary renewable resources needed for their operation. The Applicant assessed a range of sites to ensure that the Proposed Development is situated in the most effective location, as explained in EIA Report Chapter 3 'Consideration of Alternatives and Design

Evolution'. Key criteria that lead to the selection of Fearna as the site for the Proposed Development include:-

- The Proposed Development would utilise the existing Loch Quoich reservoir as its lower reservoir, which has the highest stored volume of any reservoir in the UK. The Proposed Development would use only around 11% of the available storage volume of Loch Quoich;
- The Proposed Development will operate within the existing operational range of the existing Quoich conventional hydro scheme, and will not cause any additional dam spilling or drought conditions within the Loch;
- By re-using existing infrastructure such as Loch Quoich, environmental impacts are minimised;
- The site design lends itself to achieving a balance of material, so that no excavated material requires to be disposed off-Site. Use of borrow pits to construct the Proposed Development is also a key benefit; and
- There are significant opportunities within the wider land holding for significant biodiversity enhancement measures, as shown on EIA Report Figure 8.7.1.

5.147. The Applicant considers that when compared with other PSH projects, the Proposed Development Site scores very favourably and is one of the best potential stores of grid scale energy in the UK for a relatively modest development footprint, as shown Plate 1 in EIA Report Chapter 3, which is reproduced below for ease of reference (Source, Gilkes Energy). By comparison, the Applicant's Earba PSH scheme is represented by the green dot above the Fearna reference in the image below.



5.148. As a matter of principle, therefore, it is considered that the Fearna site is an extremely good site for a PSH scheme that can deliver truly national scale renewable energy benefits, coupled with large scale environmental enhancements.

5.149. Policy 67 further states that the Council will take account of the contribution proposals make towards meeting renewable energy generation targets and any positive or negative effects they are likely to have on the local and national economy. Proposals will be assessed against other relevant development plan policies as well as other material considerations. These policy criteria seek to ensure that a proposal is located, sited and designed such that they will not be significantly detrimental overall, individually or

cumulatively with other developments having regard to specified criteria listed on page 123 within the HwLDP.

- 5.150. The bulleted criteria set out on page 123 of the HwLDP largely reflect those set out in NPF4 Policy 11(e). The Proposed Development's compliance with NPF4 Policy 11(e) is discussed in Table 2 above and is not repeated in detail here, except to note that very few significant residual environmental effects are identified upon various receptors.
- 5.151. The EIA Report submitted to support this application has found that as a result of embedded mitigation and following the application of further mitigation measures during the construction phase, significant residual effects are few in number and localised in nature. There would be no significant adverse effects upon cultural heritage, flood risk and hydrology, soils and peat or effects arising as a result of construction traffic movements.
- 5.152. Not surprisingly, a National Development scale project of this nature will give rise to some significant effects in EIA terms. The EIA Report identifies that most of these residual significant effects will arise during the construction period, and in most cases these will be localised in nature. Once operational, many of the significant construction phase effects will cease to exist but some significant localised landscape and visual effects will continue to be experienced during the operational period.
- 5.153. For example, localised significant residual effects will arise upon some species during the construction phase such as reptiles, amphibians, invertebrates and azure hawker dragonfly (regionally significant). No significant residual effects upon these species would arise during the operational phase and EIA Report Chapter 8 considers that long-term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long term impacts on local populations and sensitive habitats.
- 5.154. Peatland restoration and habitat creation, including additional woodland planting, form integral components of the Proposed Development and ensure that benefits go beyond just renewable energy generation, and will help address the nature crisis too.
- 5.155. Some significant landscape and visual effects will remain during the operational period that cannot be mitigated. These effects would be mostly focused around the permanent features of the Proposed Development at the upper reservoir, within around 4 km of the Fearna Dam, where the upland landscape would become noticeably more characterised by an increased sense of management and development. A significant visual effect is also expected to remain for recreational users on the surrounding mountain walking route to the Munros, Gleouraich and Spidean Mialach, which would be diverted to follow the top of one of the dams.
- 5.156. The Proposed Development is also predicted to lead to some cumulative landscape and visual effects when the proposed Beinn Bheag Wind Farm (currently at Scoping), which would be located within an area to the south-east of Loch Quoich, is considered within the baseline. Under this scenario, one additional significant effect is predicted during operation, for recreational users ascending Gairich.

- 5.157. The LVIA in EIA Report Chapter 7 notes that the Proposed Development will give rise to some significant effects upon some of the SQs of the Moidart, Morar and Glen Shiel SLA during the construction phase and during the operational phase where the upper reservoir and dam would be prominent. However, the overall contribution of this effect on the SLA as a whole is not predicted to be significant.
- 5.158. The LVIA in EIA Report Chapter 7 also notes that the Proposed Development would lead to localised residual significant effects to one WLQ of WLA 18 only, but the Wild Land Assessment concludes that these changes would be unlikely to lead to significant effects on this very large WLA as a whole.
- 5.159. The key test set by Policy 67 is whether having considered all material factors, a proposal is considered to be '*significantly detrimental overall*', individually and cumulatively. In considering this key question, it is imperative to note the following:-
- The positive assessment against the NPF4 Policy 11 (e) criteria, which cover a range of similar matters to the Policy 67 criteria;
 - The Proposed Development will play an important role in helping to achieve net zero targets by 2045 as well as the move to a more flexible and resilient energy system, which will increasingly be dominated by renewable energy technologies over the coming years. The Clean Action Plan 2023, notes that we '*will also need to scale up the deployment of pumped hydro storage*' to help deliver net zero targets;
 - The Proposed Development will help contribute to more secure energy supplies by increasing the proportion of 'home grown' low carbon electricity, reducing our reliance on imported fuels; helping with the efficiency of current and future renewable energy projects by reducing the need for these generators to be 'curtailed';
 - The Proposed Development could lead to the saving of 1,951,112 tCO₂ per year that would otherwise be emitted by generating electricity from a UK Grid mix;
 - Identified significant effects upon protected species would arise during the construction phase only, and would primarily be localised in nature;
 - The Proposed Development proposed significant environmental mitigation and enhancement measures which will lead to biodiversity net gain. These measures include peatland restoration works extending to approximately 640 ha, compensatory woodland creation and extensive woodland restoration of no less than 200 ha and other measures such as the targeted control and management of invasive non-native species covering approximately 100 ha around sensitive woodland habitats;
 - There would be no significant effects upon archaeology or significant effects upon the setting of any cultural heritage assets;
 - Effects upon the SLA and WLA 18 would be localised and have been minimised as far as practicable and in both cases EIA Report Chapter 7 concludes that identified effects would not lead to a significant effects upon the SLA or WLA overall;
 - There is now a requirement under NPF4 Policy 11 to give 'significant weight' to the contribution a proposal makes to addressing the climate emergency and nature crisis. This is not specified in HwLDP Policy 67, but Highland Council planners recognised in their assessment of the Earba PSH scheme these are factors that attract '*substantial weight*' in the planning assessment. This matter is a fundamental element of NPF4 Policies 1 and 11 and must affect the planning balance in this case too.

- 5.160. In light of these factors, it is considered that the small number of significant residual adverse impacts associated with the Proposed Development are not considered to result in it being 'significantly detrimental overall' and it is considered acceptable in relation to HwLDP Policy 67.

Other HwLDP Policies

- 5.161. This section considers other relevant HwLDP policies. It should be noted however that the topic areas are already largely contained within the 'lead' energy policy (HwLDP Policy 67) and so only brief commentary is provided.

Policy 28: Sustainable Design and Policy 29: Design Quality and Placemaking

- 5.162. Policies 28 and 29 set out the requirement for all development to be designed in the context of sustainable development and climate change whilst making a positive contribution to the architectural and visual quality of the place in which it is located. The policy sets out various principles relating to, inter alia, the use and management of land; protection of both natural (landscapes, habitats and species) and built/cultural resources; preservation of air and water quality; and, minimisation of waste.
- 5.163. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:
- conserve and enhance the character of the Highland area; use resources efficiently;
 - minimise the environmental impact of development; and
 - enhance the viability of Highland communities.
- 5.164. As detailed in the EIA Report Chapter 3: 'Consideration of Alternatives and Design Evolution' and Chapter 7: 'Landscape and Visual', the design process has resulted in an appropriately located and designed PSH scheme which limits the spread of significant environmental effects to a localised area which is sparsely populated. Many elements of the Proposed Development will be underground and not visible and while there will be elements that are visible in the longer term, these will not be visible to a large number of receptors and the impacts will soften over time as restoration works mature and tree planting grows.
- 5.165. Technical Appendix 2.1 'Sustainable Design Statement' explains how the Proposed Development would operate, factors influencing site design, building concepts for the powerhouse building and how the entire scheme, including building design concepts for the powerhouse, sought to respond to the local landform, existing energy generating infrastructure in the area with a key objective being to ensure the powerhouse in particular blends in with the landscape as much as possible through design and the choice of materials and their colours. Key design principles of the dam design are also outlined.
- 5.166. The Proposed Development will make a positive contribution to the economy during the construction and operational phases, providing opportunities for long term local jobs while making a substantial contribution to legally binding net zero targets. The Applicant has also engaged in various rounds of pre-application dialogue with local communities as well as statutory consultees including Highland Council, SEPA and NatureScot to ensure that the scheme submitted for consent uses resources efficiently and minimises environmental impacts as far as practicable.

- 5.167. Taking all of these matters into account, it is considered the Applicant's approach to iterative and careful site design is in line with Policies 28 and 29.

Policy 51: Trees and Development

- 5.168. This policy states that the Council will secure additional tree/ hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. As discussed earlier in the NPF4 commentary, construction of the Proposed Development will necessitate the felling of areas of trees, mainly to facilitate construction of the SAR. Cumulatively, these works will lead to the permanent loss of 6.98 ha of ancient woodland habitats and PAWS and a further 18.81ha of non-native plantation conifers.
- 5.169. The Applicant is proposing a planting scheme to compensate for the felling of these areas of woodland, including at least two native woodland creation schemes which will be developed with a net plantable area of not less than 200 ha. The location of these proposals along with peatland restoration works are shown on EIA Report Figure 8.7.1.
- 5.170. This planting proposals will result in an overall expansion of tree cover as a result of the Proposed Development compared to the current baseline, and this approach finds favour with Policy 51.

Policy 55: Peat and Soils

- 5.171. Policy 55 requires that development proposals demonstrate how they have avoided the unnecessary disturbance, degradation or erosion of peat and soils. It continues and states that unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by the social, environmental or economic benefits of the development.
- 5.172. As discussed in the NPF4 commentary in relation to Policy 5, the design strategy for the Proposed Development aims to achieve a balance between material that requires to be excavated for various pieces of infrastructure and the requirement for material for construction purposes. The benefits of this approach are that the need to import construction materials to the site is vastly reduced and the need to export excavated material is avoided. Three on-Site borrow pits are proposed which will provide construction material for the dams etc.
- 5.173. Peat surveys results were used to inform the design of the Proposed Development applying the mitigation hierarchy as much as possible to avoid unnecessary disturbance of peat and soils. Table C of Technical Appendix 12.2 provides a breakdown of the volumes of peat to be excavated as part of the construction process and volumes to be re-used on Site as part of the restoration works. This confirms that the total volume of peat to be excavated is 478,427m³ while an estimated volume of 505,187m³ could be reused within the Site. Therefore, no excess peat requires to be disposed off-Site
- 5.174. On this basis the Proposed Development is considered to comply with Policy 55.

Policy 56: Travel

- 5.175. Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on and off site transport implications of the development.
- 5.176. Access to the PSH Site from the A87 would be by the proposed SAR, a combination of existing and new tracks through the Glen Garry Forest, joining the minor public road between the A87 and Kinloch Hourn, the C1144. Part of the rationale for creating the SAR is to minimise disruption to members of the community and other users of the C1144 during construction of the Proposed Development.
- 5.177. EIA Report Chapter 15: 'Transport and Access' considers the impacts of the Proposed Development during the construction phase, with operational phase effects being scoped out. Whilst no link capacity issues on any roads are predicted as a result of construction traffic generation, mitigation measures are proposed to reduce the impact of the construction traffic on other road users and nearby residents, which would be agreed through a CTMP, which would be secured through a planning condition.
- 5.178. The delivery of AILs to the Site from the POE at Corpach Harbour will require small scale and temporary remedial works along the route to facilitate the delivery of the transformer (see Technical Appendix 15.1, Table 3.1).
- 5.179. Overall, the assessment in EIA Report Chapter 15 confirms that no significant residual effects will arise as a result of road traffic during the construction phase. All effects are assessed to be slight or insignificant and as they will occur during the construction phase only, they are temporary and reversible.
- 5.180. Where practicable, electric vehicles will be used in the operation of the Proposed Development and the powerhouse would be provided with sufficient charging points for all vehicles used to operate the Proposed Development, as well as for staff vehicles to recharge whilst at work. This will further help to minimise the impacts of future operational traffic and overall it can therefore be concluded that the Proposed Development is compliant with Policy 56.

Policy 57: Natural, Built and Cultural Heritage

- 5.181. Policy 57 'Natural, Built and Cultural Heritage' sets a hierarchy of policy considerations for proposals depending upon whether they have impacts upon features, or their settings, of local/regional, national or international importance. The scale of protection provided by the policy is reflective of whether the asset is of local/regional, national or international importance.
- 5.182. As already discussed in relation to NPF4 Policy 11, there will be no significant effects upon natural heritage designations such as SPAs or SSSIs. The Shadow HRA in respect of the West Inverness-shire Lochs SPA concludes that once mitigation and enhancement measures are fully implemented, as part of an Appropriate Assessment, that there would be no adverse effects on the integrity of this designation.
- 5.183. Identified impacts upon protected species during the construction phase will be generally localised and long-term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long term impacts on local populations and sensitive habitats.

- 5.184. There will be no significant impacts upon the Knoydart NSA which is located approximately 6.5km from the Site. There will be some significant impacts upon the SQs of the host SLA, a local landscape designation, but the contribution of this effect on the SLA as a whole is not predicted to be significant. In any case, the national scale benefits of the Proposed Development outweigh these impacts, as discussed in respect of NPF4 Policy 4.
- 5.185. While Policy 57 refers to impacts upon wild land, the national policy picture with regards to renewable energy development in Wild Land Areas has altered between when the HwLDP was prepared and now, through the adoption of NPF4 in 2023. Impacts upon wild land are discussed in relation to NPF4 Policy 4(g) which recognises that renewable energy developments are potentially acceptable land uses in these areas.
- 5.186. Taking the above into account, the Proposed Development complies with Policy 57.

Policy 58: Protected Species; Policy 59 Other Important Species and Policy 60 Other Important Habitats

- 5.187. The above policies set out the Council's approach to the protection of species that may be affected by a development proposal. The policy effectively provides a 'catch all' approach to protecting species and habitats of varying levels of importance, to ensure an adequate degree of protection through the planning process. The policy reflects the hierarchical approach to protecting species and habitats and sets out the circumstances where development may be permitted, even where an adverse effect is identified.
- 5.188. As discussed in the earlier assessment against NPF4 Policies 3 and 11, some species will experience significant residual environmental effects as a result of the construction of the Proposed Development. No significant operational phases effects are predicted.
- 5.189. Significant residual effects at the local level are identified on reptiles, amphibians, and invertebrates, and regionally significant impacts on azure hawker dragonfly as a result of permanent habitat loss, and red squirrel, pine marten, otter, amphibians, and reptiles as a result of increased traffic. Long-term habitat restoration efforts are anticipated to promote recovery and provide biodiversity net gain, reducing long term impacts on local populations and sensitive habitats. The weight to be attached to the identification of these construction phases significant, but localised, effects is a matter to be considered as part of the final planning balance, as discussed in Section 6.

Policy 61: Landscape

- 5.190. Policy 61 states that developments should be designed to reflect the characteristics and special qualities recognised in the Landscape Character Assessment of the area in which they are proposed. The Council will consider the appropriateness of the scale, form, pattern and construction materials and the cumulative impacts of the development. Policy 61 applies to all forms of development and does not add policy considerations of substance not otherwise addressed in Policy 67.
- 5.191. The LVIA in EIA Report Chapter 7 extensively considers the landscape and visual effects upon a range of designations, visual receptors and landscape character. That assessment has established that during construction, there will be temporary, localised significant effects extending to approximately 5 km from the Site affecting the host LCT and adjacent LCTs.

- 5.192. During the operational period, significant effects will reduce in extent to approximately 4 km as engineering works soften and landscape mitigation matures. Some significant effects will prevail for parts of the host SLA and WLA18 affecting some of their SQs/WLQs, but the LVIA in EIA Report Chapter 7 does not consider that these effects would be significant for either the SLA or WLA 18 as a whole.
- 5.193. In considering landscape effects, it is important to note that since the HwLDP was adopted in 2012, the need for more renewable energy and the increased urgency of addressing the climate emergency means that there needs to be a greater acceptance of the inevitability of landscape and visual effects associated with the roll out of further renewable energy and low carbon developments. The Clean Power Action Plan 2030 which was published at the end of 2024 notes the '*need to scale up the deployment of pumped hydro storage*', and the Proposed Development can make a national significant contribution to this objective.
- 5.194. Given the localised nature of identified landscape effects and the substantial change (and changing energy policy picture) it is considered that the landscape effects identified in the LVIA are considered to be acceptable in the context of Policy 61. This is a National Development in terms of NPF3, which will bring about very significant renewable energy benefits as well as short and long term socio-economic benefits and also the large scale and varied environmental enhancement measures – none of which would arise without the Proposed Development

Policy 63: Water Environment

- 5.195. This policy states that the Council will support proposals for developments that do not compromise the objectives of the Water Framework Directive (WFD), which is aimed at the protection and improvement of Scotland's water environment. Potential effects of the Proposed Development upon the water environment are considered in EIA Report Chapter 6: 'Hydrology and Water Management'. That Chapter assesses the impacts on the water environment throughout the construction and operational phases.
- 5.196. No significant residual environmental effects upon the water environment are identified. Notwithstanding, it is recommended that best practice construction techniques are adopted and a project specific CEMD would be prepared prior to development commencing. The requirement for a CEMD could be controlled by planning conditions and would be subject to agreement with consultees such as SEPA and therefore the Proposed Development is considered to comply with HwLDP Policy 63

Policy 64: Flood Risk

- 5.197. This policy states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. EIA Report Chapter 6 'Hydrology and Water Management' notes that the Site is not at risk of flooding from any external source. It further notes that given the attenuation in the new upper reservoir, the Proposed Development may reduce the potential for flooding elsewhere under certain conditions.

- 5.198. EIA Report Chapter 12: 'Geology, Soils and Water' confirms that the flood risk on site is low and that the development design ensures no critical infrastructure is located in an area prone to flood risk. It further notes that flood risk during the operational phase would be mitigated, managed and regulated by the CAR licence and Reservoirs Act. The probability of flood risk being increased by the Proposed Development is considered to be extremely low and overall the Proposed Development is considered to comply with Policy 64.

Policy 72 – Pollution

- 5.199. This policy states that proposals that may result in significant pollution, such as noise and water pollution, will only be approved where a detailed assessment is undertaken to show how the pollution can be appropriately avoided and if necessary mitigated.
- 5.200. The potential for pollution to arise from various activities during the construction and operational phases is considered in the EIA Report and this includes potential noise pollution and surface water pollution, risks arising principally through construction works. In each case, the relevant assessment concludes that no significant residual effects from pollution will arise and risks have either been avoided through application of embedded mitigation or can be further mitigated through the adoption of best practice construction techniques. Further detail on these issues can be provided through a final CEMD prior to construction commencing and the Proposed Development is compliant with Policy 72.

Policy 77 – Public Access

- 5.201. This policy seeks to ensure that where a proposal affects a route included in a Core Paths Plan or significantly affects wider access rights, then the Council will either require the path to be retained or ensure alternative access is provided, that is no less attractive, and is safe and convenient for public use and does not damage species or habitats.
- 5.202. As discussed previously in relation to NPF4 policies, a Draft Outdoor Access Management Plan (Technical Appendix 14.1) has been prepared which set out details of how public access will be maintained during construction works. This will entail measures to minimise conflict between users of the C1144 and other routes, as well as walking and cycling routes affected by construction traffic vehicles.
- 5.203. The Draft Outdoor Access Management Plan identifies proposed access improvements which would be delivered as part of the Proposed Development, which are briefly summarised below:-
- Upgrading the existing footpath to modern standards between the C1144 and Coire Mheil;
 - The path leading from the Quoich dam towards the south ridge of Gairich is very boggy for approximately its first kilometre. It is proposed to upgrade this section of path to Red Survey specification standards, subject to finalising agreement with the landowner, Kingie Estate;
 - Potential for increasing the size of existing parking provisions for users of the Munro Gairich, and the circuit of Gleouraich and Spidean Mialach, if a need arises; and
 - Reinstatement of sections of the Allt Mheil hydro track to improve its appearance after completion of construction works.

- 5.204. It is proposed that the Draft Outdoor Access Management Plan would be developed further should consent be granted and this would ensure the objectives of Policy 77 are achieved, with the Final Access Management Plan subject to further discussions with the Council, prior to commencement of development.

6. Conclusions

- 6.1. The Applicant is seeking S36 consent and deemed planning permission for a pumped storage hydro scheme with sufficient storage capacity to allow continuous generation of electricity for approximately 20 hours at maximum capacity. It is a long-duration storage project with a generating capacity of up to 1,800MW. The Proposed Development will complement renewable energy technologies such as wind and solar by storing their energy to offset periods of intermittency, as well as helping to prevent the 'curtailment' of these electricity generators which currently takes place when there are grid capacity constraints.
- 6.2. The Proposed Development is an essential part of the future energy mix required to help deliver the Scottish Government's net zero ambitions by 2045. The importance of storage technology to achievement of these targets is recognised in various Scottish Government publications as well as the recent Clean Power 2030 Action Plan which recognises that long-duration flexible technologies, such as the Proposed Development, can adjust their output quickly to match supply with demand and can provide a reliable source of electricity for managing daily and seasonal demand peaks and longer periods of low renewable output. The Action Plan notes that '*will also need to scale up the deployment of pumped hydro storage*' (underlining added) – to help meet the UK's climate change objectives.
- 6.3. As an application for S36 consent and deemed planning permission, the Development Plan does not have primacy in this case. The Development Plan is an important material consideration, but the principal issue to be considered in determining this application is for Scottish Ministers to have regard to Schedule 9 of the Electricity Act. Schedule 9 refers to the requirement for Scottish Ministers to '*have regard to the desirability*' of preserving natural beauty, of conserving flora, fauna etc. when determining S36 applications. Scottish Ministers have no duty to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. Schedule 9 does not, therefore, set strict development management tests.
- 6.4. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy set out in NPF4, the socio-economic benefits of the Proposed Development and the contribution that it would make towards attainment of GHG reduction targets, contributions to energy security and renewable energy targets. In its assessment of a recent PSH by the same Applicant, Highland Council Planning Officers recognised that '*when determining renewable energy proposals, the ability to meet these targets therefore demands substantial weight when undertaking the planning balance exercise*' (underlining added). Such a level of weight should be given to the combined energy and biodiversity benefits of the Proposed Development when decided whether to grant consent.
- 6.5. The Proposed Development benefits from National Development status through NPF4. It is truly national in ambition and sitting alongside this significant low carbon energy generation are large scale biodiversity improvements including woodland planting, deer management and peatland restoration exceeding the required 1:10 lost-to-restored ratio. The EIA Report submitted with the application considers that these measures more than compensate for identified adverse environmental effects of the Proposed Development and are anticipated to promote recovery and provide biodiversity net gain, reducing long-term impacts on local species populations and sensitive habitats.

- 6.6. Significant employment opportunities would arise through the construction period which although temporary, would last for approximately 5/6 years. There would be permanent job opportunities during the operational phase and the Applicant is committed to the establishment of a community benefit fund equivalent to 0.5% of the capital cost of the Proposed Development, to be split between the construction and operational phases. With an estimated capital cost in excess of £2.0 billion, community benefit funding would equate to at least £10 million, which could be used by the community for various wealth building initiatives or projects.
- 6.7. The benefits of the Proposed Development are not in doubt. As such, the key issue to consider is whether the identified environmental impacts as set out in the EIA Report are so significant as to outweigh these clear national scale energy benefits. The iterative and detailed approach to Site design has sought to apply the mitigation hierarchy with the objective of avoiding significant environmental effects from arising where possible. Where this has not been possible, the design process has sought to reduce these to non-significant levels through mitigation and to then consider opportunities for compensation and enhancement.
- 6.8. The EIA Report identifies significant environmental effects during the construction and operational phases, with many construction phase effects reducing in significance and geographical extent once construction works are complete and landscape mitigation works mature. Identified residual landscape and visual effects during the operational phase are limited to approximately 4 km from the Site. Some visual effects including upon recreational users will be experienced during the operational phase, as will effects upon landscape character. There will be some operational residual effects upon the SQs of the SLA and upon one of the WLQs of WLA18, but the LVIA in EIA Report Chapter 7 concludes that the scale of these effects will not be significant upon the SLA or WLA as a whole.
- 6.9. Turning to the Local Development Plan, the lead renewable energy policy (Policy 67) confirms that proposals will be supported where they are not '*significantly detrimental overall*'. There is nothing to suggest the Proposed Development could be described as '*significantly detrimental overall*', when all relevant factors are considered including the National Development status and the range of environmental enhancements that will be provided by the Proposed Development. Peatland restoration and woodland creation measures alone extend to in excess of 800 ha in area.
- 6.10. Recent letters from the Scottish Government's Chief Planner have confirmed that NPF4 should be '*read and applied as a whole and that conflicts between policies are normal and to be expected*'. Furthermore, it is important to highlight that the identification of significant effects in EIA terms, does not make a development unacceptable in policy terms. Decision makers still need to apply the planning balance and in this regard the Chief Planners letter from June 2024 confirms that '*the sections on 'policy intent' within NPF4 are provided to help decision makers deliver on policy aspirations*'.
- 6.11. Key Outcomes of NPF4 as relevant to the Proposed Development include '*Expansion of renewable, low-carbon and zero emissions technologies*' (Policy 11) and '*Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions*' (Policy 3). The Proposed Development can make substantial and positive contribution to these Outcomes. There are other stated Outcomes in relation to other NPF4 policies of relevance to the Proposed Development including in Policy 1, being the creation of '*Zero Carbon, nature positive places*'. Again, the Proposed Development can make a demonstrably significant contribution to this Outcome.

- 6.12. Taking account of these Outcomes and while recognising that some adverse environment effects will arise as a result of construction and operation of the Proposed Development, when 'significant weight' is given to the global climate and nature crisis, as required by Policy 1 of NPF4, it is considered that the identified environmental effects are not unacceptable and the planning balance in this case very clearly falls on the side of consent being granted.

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