FEARNA STORAGE

Fearna Pumped Storage Hydro Scheme - EIA Report

Additional Information

Appendix I – Response to RSPB Objection

December 2025

Quality Information

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Revision History

Revision	Revision Date	Details	Authorised
01	December 2025	Issue to ECU	Fraser Allison

James McKenzie
Energy Consents Unit
The Scottish Government

Email: EconsentsAdmin@gov.scot
Cc: Fraser.Allison@gilkesenergy.com

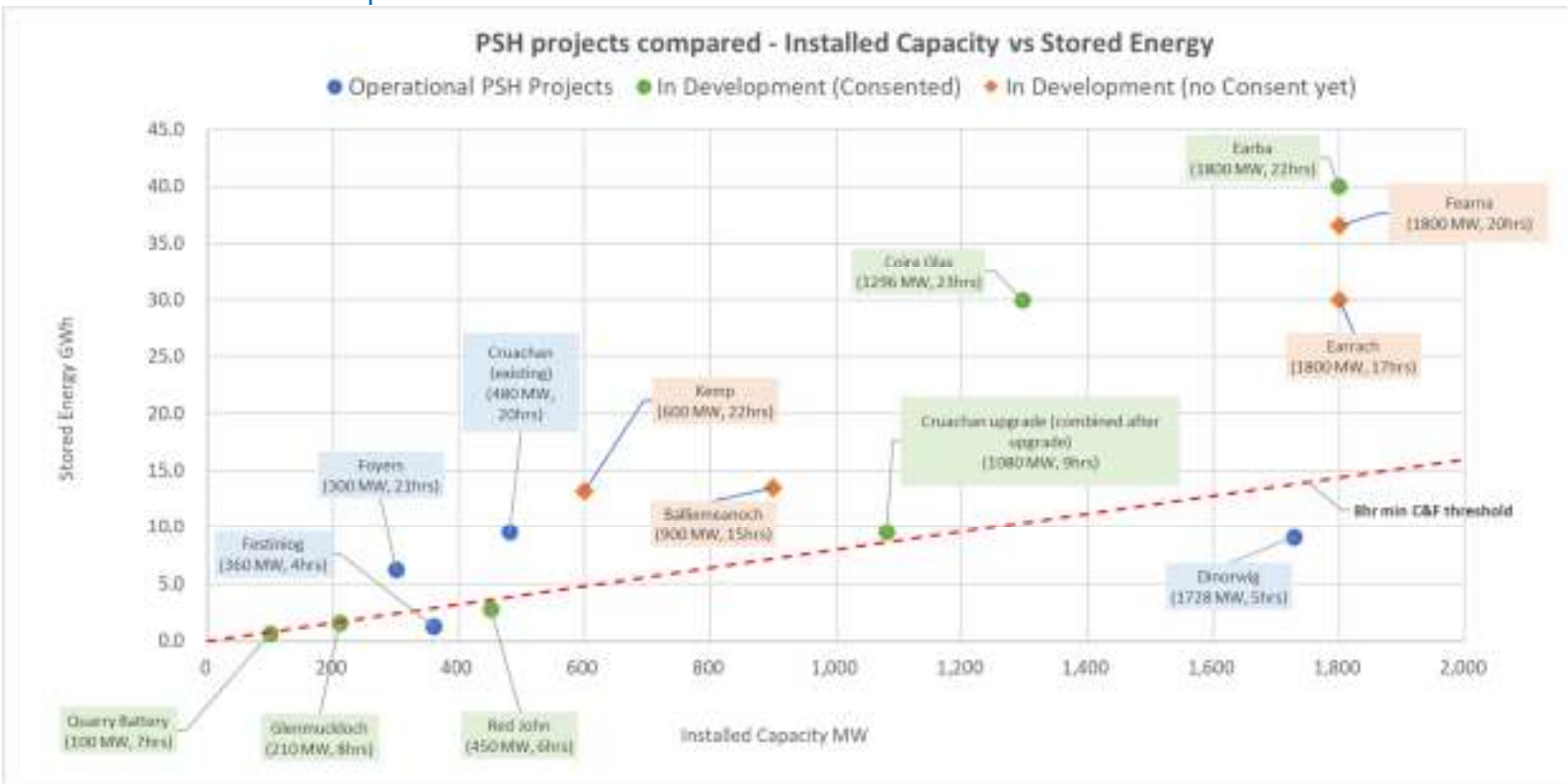
Date: 6th June 2025

Dear James,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE PROPOSED FEARNA PUMPED STORAGE HYDRO PROJECT NEAR KINGIE LODGE, GLENGARRY IN THE PLANNING AUTHORITY AREA OF HIGHLAND COUNCIL

ECU REFERENCE: ECU00005061

Thank you for consulting RSPB Scotland on the above application. We understand the benefits the proposed development could bring in terms of the national transition to renewable energy. However, renewable energy development must be carefully sited and designed and not be to the detriment of nature, especially species and habitats of the highest conservation importance.
Just to highlight the significance of the Fearna PSH scheme, below is a diagram comparing all of the publicly known PSH schemes in the UK, operational, consented and in development.



The proposal is for a large-scale Pumped Storage Hydro (PSH) development which would operate by transferring huge volumes of water (40 million m^3) to and from the lower-level Loch Quoich and a proposed upper reservoir, comprised of the expansion

of the existing Loch Fearna and the flooding of Coire Dubh, both of which would be dammed.
For context, the 40Mm^3 transferred between Quoich and Fearna is approximately 11% of the 360Mm^3 storage capacity of Quoich.

Due to the location and nature of the proposed development, it would have likely significant effects on West Inverness-shire Lochs Special Protection Area (SPA), which is designated for breeding Common Scoter and Black-throated Diver. Therefore, the competent authority must carry out an Appropriate Assessment under the 2017 Habitat Regulations[1] before determining the application. The Applicant must provide sufficient information to inform the Appropriate Assessment.

The West Inverness-shire Lochs SPA covers an area of almost 3000ha and includes a number of component lochs at varying distances from Loch Fearna itself, where the upper reservoir would be created. For clarity, Loch Fearna is not within the SPA, with the closest point in the SPA (the west end of Loch Loyne, lying over 5km from Loch Fearna). The SPA also lies within 750m of the Southern Access Road (SAR) for the proposed development, which crosses a number of tributaries that feed into the SPA. NatureScot responded positively at Scoping Stage that the C1144 public road which runs right alongside the SPA adjacent to Loch Garry was not being considered for the main construction access. The SAR is based on an existing timber haul route, servicing the Invergarry Forest, various existing run-of river hydro schemes and providing recreational access. Only two new bridge crossings over the River Kingie and Gearr Garry are required to connect the existing track system to the C1144 by the Quoich Dam.

Loch Fearna currently supports one pair of Common Scoter which are considered a meta-population to the nearby West Inverness-shire Lochs SPA. For clarity, there is no evidence of any successful breeding by this pair, and only circumstantial evidence that they may be attempting to use the loch for breeding. Despite the name, Common Scoter are under threat of extinction as a breeding bird in the UK. It is a red-listed Bird of Conservation Concern and listed by the IUCN as critically endangered as a breeding bird in the UK[2]. A review of the site condition in 2018 recognised that it was in unfavourable condition due to the ongoing decline in numbers[3].

The construction and operation of the proposed development would render Loch Fearna permanently unsuitable for Common Scoter. This impact cannot be mitigated. The EIA Report makes the assumption that the birds would move to other SPA lochs but, in reality, this outcome is unknown, and they could be lost to the population. This potential impact needs to be considered in light of the conservation objectives of the SPA, which has not been done, and sufficient information provided to inform an appropriate assessment.

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[1] The Conservation of Habitats and Species Regulations 2017

[2] Table 2 page 732 in Stanbury, Andrew & Eaton, Mark & Aebischer, Nicholas & Balmer, Dawn & Brown, Andy & Douse, Andy & Lindley, Patrick & Mcculloch, Neil & Noble, David & Win, Ilka. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds. 114. 723-747.

[3] NatureScot Site Link: https://sitelink.nature.scot/site/9187 (accessed 5/6/25)

We disagree that the impact of the alterations to Loch Fearna cannot be mitigated. We have covered this point in the more detailed responses in the annexes to this letter below.

The potential impacts of the partial dewatering Loch Quoich during construction on downstream water levels during the breeding season, and downstream water quality impacts on the Loch Garry catchment have not been fully assessed in terms of impacts on the West Inverness-shire Lochs SPA for both Common Scoter and Black-throated Diver. The cumulative assessment on the West Inverness-shire Lochs SPA is also insufficient.
Following further modelling and design work, we can clarify that no partial dewatering of Loch Quoich is proposed outwith its current operational constraints. Refer to the document "Fearna - Quoich Temporary Works Report." We have covered these points in the more detailed responses in the annexes to this letter below.

The Outline Biodiversity Enhancement and Management Plan (OBEMP), seems to be a key element taken into account in reaching the conclusions of the Applicant's shadow HRA. Notwithstanding that these seem to be compensation measures (which cannot be considered at the appropriate assessment stage) the plan has not been fully finalised, and it is unclear if many of the proposed actions are deliverable. In addition, some objectives are either inappropriate or have already been undertaken as part of the ongoing management to improve conditions for the designated features. Much of the habitat improvement actions proposed would need to be delivered many years before the construction commences to have any benefit to the pair in question.
It is disappointing to read these comments as we have proactively engaged with the RSPB on the issues relating to the SPA, including two site visits and several meetings, and the overall strategy and many of the measures included in the OBEMP have been guided by suggestions or advice from the RSPB. Our detailed comments on this topic are included in the annexes below.

A full assessment of the impacts on the West Inverness-shire Lochs SPA cannot be made and further information is required on the following matters prior to determination, as detailed in Annex 1:

1. Modelling of water level rises downstream following the dewatering of Loch Quoich during construction, to assess the likely significant effect on the SPA through potential flooding of nest sites and how it could be mitigated.
2. Following further modelling and design work, we can clarify that no partial dewatering of Loch Quoich is proposed outwith its current operational constraints. Assessment of the predicted impacts from siltation, dust, wastewater, water flows and breakdown of the thermocline in Loch Quoich on water temperature, aquatic invertebrate prey and downstream effects on the SPA.
   Further clarification of these points is provided at Annex 1 below.
3. Re-assessment of the cumulative/in-combination effects, taking into account the PSH grid connection, additional wind farm developments in the wider area, the impact of the Skye Reinforcement Project and Beinn Bheag on the West Inverness-shire Lochs SPA, including cumulative and in-combination construction effects if being built simultaneously.

This point is covered in the detailed text in Annex 1 below.

We therefore object to the application due to adverse impacts on Common Scoter and Black-throated Diver, and as we do not believe that it can be concluded that there would be no adverse effect on site integrity on the West Inverness-shire Lochs SPA.

In addition, we object to the proposal for the following reasons:

- **Insufficient survey work to allow an adequate assessment of likely significant effects on birds.**
- **The potential population-level impacts on Red-throated Diver and Wood Sandpiper from disturbance and displacement due to the construction of the proposed development.**

These points are addressed in the annexes below.

We strongly recommend that further information on bird survey methods and outputs should be provided, and additional surveys are required, as detailed in Annex 1 of this letter.
These points are addressed in the annexes below.

We also have serious concerns that:

1. **Due to inadequate survey and assessment, impacts on wider countryside birds have been underestimated.**
2. **The survey and assessment of terrestrial and aquatic invertebrates is inadequate, as well as proposed mitigation, as outlined by Buglife in their objection letter dated 2nd April 2025.**
3. **Impacts on important habitats and peat are underestimated.**

We strongly recommend that further information should be provided as detailed in Annex 2 and 3.

Notwithstanding the concerns outlined above, we have provided comments on the content of the Outline Biodiversity and Enhancement Management Plan (OBEMP). We advise that further information should be provided prior to determination to allow the proposed OBEMP to be considered further. We also make recommendations for the OBEMP in the following letter.

We hope you find these comments helpful. Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely,

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ANNEX 1: RSPB Scotland Objection

West Inverness-shire Lochs SPA

Direct and permanent loss of breeding and foraging habitat for Common Scoter

RSPB Scotland has been aware of the presence of Common Scoter on Loch Fearna since 2019, the loch annually supporting at least one pair with a maximum count of two pairs and two single males recorded in 2022. The species has strong site fidelity, so it is likely that this has been a traditional site supporting them for many years. We can confirm that a pair is present on the loch again in 2025.

It is surprising that no Common Scoter were recorded during the Applicant's ornithological surveys in 2022 (Confidential Appendix 10.1.1). as the RSPB had recorded them on several visits that year. This is likely due to an inappropriate survey methodology (see section on surveys below). Following notification of the species presence from RSPB Scotland, they were recorded during surveys by the Applicant in 2023 and 2024.
The 2022 surveys were the first baseline surveys at the site, and with no prior knowledge of scoter presence, and no scoters observed during the site visits, no species-specific surveys were undertaken. From 2023 onwards, specific scoter methods were followed which is standard practice for all new baseline schemes, where the second year onwards always targets key habitats, species, or areas of most likely impact to birds.

Although no obvious signs of breeding were observed during the Applicant's surveys e.g. nests or chicks (again, likely due to the survey methodology used) the fact that the female remained on the loch into July in both 2023 and 2024 survey years, strongly suggests they are breeding there, likely using areas of dry and montane heath habitats surrounding the loch to nest (within areas proposed for the borrow pits and inundation zone). We therefore agree that for the purposes of this assessment it is assumed they constitute a breeding pair (section 10.8.6 of the EIAR). However, they are of international importance, rather than national importance as outlined in the EIAR (section 10.8.30), due to their link to the nearby West Inverness-shire Lochs SPA population.
For the purposes of the assessment, it is assumed that the pair habituating Loch Fearna could be a breeding pair, but it is important to point out that there is no evidence of any successful breeding by scoters at Loch Fearna either from the Applicants or the RSPB's surveys. Since 2023, there has only been one male and one female present on the loch throughout the breeding season, during every round of monitoring undertaken. Although it is understood that birds do take breaks from incubating, the likelihood of both adult birds being off the nest constantly throughout all survey visits strongly suggests that there is no nest. If breeding occurred, the late season visits should also include the presence of chicks, but no chick has ever been recorded. The RSPB commissioned a specialist scoter nest detective in the 2024 breeding season whose intensive survey we understand found no nest and subsequently no chicks on the water.

Although Loch Fearna is not a component loch of the West Inverness-shire Lochs SPA, being situated in the wider Garry catchment, it can be assumed that the birds using Loch Fearna are a meta-population of the wider SPA population. We welcome

this recognition by the Applicant within their Shadow HRA. Furthermore, RSPB Scotland monitoring data suggests that one of the pairs recorded on Loch Fearna in May 2022, may have then moved to Loch Loyne (an SPA loch). This would seem to demonstrate a functional connectivity to the SPA, and this has been recognised in the assessment (section 10.6.2 of the EIAR).
This might also suggest that these birds were using Loch Fearna for foraging in advance of attempting to nest elsewhere. This movement has been taken into consideration by stating that the pair is a meta-population of the SPA. It is also why we assumed that when Fearna is changed and the pair is displaced, they are most likely to go to Loyne.

The SPA currently holds 25-30% of Great Britain's breeding population of Common Scoter (only 52 pairs[4] in total according to the most recent national survey), which is classed as 'unfavourable declining.' The pair at Loch Fearna therefore represents a significant and important proportion of both the SPA and UK breeding population. The species is under risk of extinction as a breeding bird in the UK; it is red-listed Bird of Conservation Concern and listed by the IUCN as critically endangered as a breeding bird in the UK)[5]. The reasons for this are complex and often inter-related, but key threats include water level management on hydro lochs, availability of suitable nesting habitat and food, and predation of eggs, small young and incubating females. The SPA is covered by a multi-partner initiative known as the West Inverness Glens Nature Restoration Project which aims to address these significant population declines.

Section 10.8.39 of the EIAR states the SPA's meta-population of Common Scoter would be lost from Loch Fearna and we agree with this predicted outcome. Para 10.3.39 states: "The loss of Loch Fearna would mean the SPA's meta-population of Common Scoter would be lost. In this event, the scoter would most likely head to Loch Loyne (or elsewhere within the existing SPA boundary) to attempt breeding, as has previously occurred (RSPB in correspondence)". In this context "lost" means "lost at Loch Fearna, but displaced elsewhere". The construction and operation of the proposed development would render Loch Fearna unsuitable for breeding and foraging Common Scoter in perpetuity through disturbance, displacement, destruction of their food resource, and reduction in water quality. This impact cannot be mitigated (see Table 3, Shadow HRA).
Table 3 of the HRA states: "… the Common Scoter on Loch Fearna are highly likely to be disturbed by the construction works and permanently displaced as a result of the construction activity and resulting habitat loss. This impact cannot be avoided, and no mitigation measures can minimise this impact on the species at this location… Despite being displaced from Fearna, the pair is likely to move to a waterbody within the SPA, and is likely to benefit from the enhancement measures proposed. Once the proposed enhancement measures have been implemented, the increase in population size will keep the site viable, disturbance will remain at current levels, or slightly lower if

[4] Common Scoter | BTO

[5] Table 2 page 732 in Stanbury, Andrew & Eaton, Mark & Aebischer, Nicholas & Balmer, Dawn & Brown, Andy & Douse, Andy & Lindley, Patrick & Mcculloch, Neil & Noble, David & Win, Ilka. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds. 114. 723-747.

predator controls are successful, and the distribution of scoter will improve across the site".

Table 3 of the Shadow HRA and Section 10.8.39 of the EIAR states that the birds will be displaced to other SPA lochs, such as Loch Loyne. However, the Common Scoter that breed on Loch Loyne and the wider SPA are already struggling to survive. Populations have been in decline for many years, the birds on Loch Loyne no longer use the loch in the way that they used to, suggesting areas of it are becoming unsuitable. We know that good quality nesting habitat is extremely limited, and islands used for nesting are becoming heavily eroded and reducing in extent. Predation of nests, nest failure for unknown reasons and poor survival of ducklings have resulted in no chicks fledging from either Loch Garry or Loch Loyne in the last few years. Although there has been some likely movement of birds from Loch Loyne to Loch Fearna, it cannot be assumed that the displaced birds from Loch Fearna would be able to find a suitable alternative loch to breed.
This is why we have worked with the RSPB to identify local habitat mitigation and enhancement measures that can support the future of the common scoter, as well as other species.

It would therefore seem that the following SPA conservation objectives would not be met:

- To maintain in the long term:
    - the population of the species as a viable component of the site.
    - the long-term distribution and extent of habitats supporting the species.
    - the long-term structure, function and supporting processes of habitats supporting the species; and
    - no significant disturbance of the species.

The SPA conservation objectives are not currently being met. The enhancement measures that the RSPB has proposed, and, following discussion with the RSPB, which formulate the basis for much of the Applicant's mitigation would improve and maintain habitat sufficiently to increase the SPA population over a long period of time. Regardless of disturbing one non-breeding pair outwith the SPA boundary, the long-term outcome is believed to meet the SPA conservation objectives of maintaining the integrity of the site, if not improve the integrity of the site.

Mitigation, Compensation and Biodiversity Enhancement

The Applicant appears to have confused the terms 'mitigation', compensation and 'Biodiversity Enhancement' as required by Policy 3 of NPF4. Monitoring is also listed as a type of mitigation, which it is not, though could be used to inform measures.

Although the Shadow HRA states that impacts on the Loch Fearna Common Scoter pair cannot be mitigated, measures are referred to in both the Shadow HRA and EIAR which are described as mitigation and/or 'enhancement' but which in fact appear to be compensation measures, such as providing alterative habitat elsewhere for the birds. An appropriate assessment cannot take into account compensation measures as these can only be considered if a conclusion of 'adverse impact on site integrity' has been concluded and the further tests of no alternatives and imperative reasons of overriding public interest (IROPI) are met.

For instance, section 10.1.5 of the EIAR recognises there would be significant effects on the Common Scoter on Loch Fearna but then seems to be suggesting

compensation for habitat loss. It states, "once recommended habitat enhancement measures have been implemented within the wider area to benefit the local breeding population, it is concluded that an increase in Common Scoter breeding numbers would result in a significant positive long-term effect."

Table 3 of the HRA also states that there will be an increase in population size as a result of the enhancement measures and this "will keep the site viable…and the distribution of scoter will improve across the site"; and concludes no adverse effect on SPA integrity.

Notwithstanding the HRA issues and our opinion that 'no adverse impact on site integrity' cannot be concluded, having worked with this species for decades and studying the reasons for their decline, RSPB Scotland believe that the statement that the Biodiversity Enhancement and Management Plan (BEMP) will reverse population decline is extremely simplistic and is not justified on the basis of the measures that have been suggested to improve conditions and reverse declines. Although the OBEMP seems ambitious, with aims to improve habitats for Common Scoter on a landscape scale, there are a number of issues with the EIAR assertions:

1. If the enhancement/compensation works (e.g. scoter habitat restoration), begin at the time of construction or after, there would be a delay between the establishment of restored habitats and impacts on the Common Scoter pair and the SPA, which could take years. Such habitat enhancement would be needed prior to the displacement of the scoter pair in question for this to have a chance of being effective.

2. The West Inverness Glens Nature Restoration Project and RSPB Scotland have trialled a number of the proposed actions already and have had feasibility studies undertaken which show a number of the proposed measures are extremely unlikely to be effective for Common Scoter.
    - Artificial breeding rafts have already been installed by RSPB Scotland six years ago and have never been used.
    - Breeding island restoration and creation of permanent shallow waterbodies within the drawdown zone of Loch Loyne to provide refugia for invertebrate prey (reducing the impact of drawdown during power generation) would, in theory, be very beneficial for scoter but unfortunately, aquatic engineers have confirmed to RSPB Scotland that these works are not feasible. This is due to accelerated peat erosion caused by the rapid and extreme drawdown impacts at the west end of the loch, causing scoter breeding islands to be undercut and liquefaction of the peat resulting in no firm substate for aquatic invertebrates to reside.
3. Other 'proposed' Common Scoter conservation enhancement actions listed in section 10.9.2 of the EIAR and relied on in the Shadow HRA assessment include headstarting, increased barrier fencing, predator control and diversionary feeding, and have not been included in the Outline Biodiversity Enhancement and Management Plan (contrary to section 10.9.1). These are referred to as recommendations in section 10.9.2 of the EIAR, so it is assumed they have not been committed to by the Applicant. Notwithstanding this, due to the rapid decline in the population, these measures cannot wait until the proposed development commences to be delivered. Efforts are

currently underway to undertake them by other funding mechanisms, and if successful, these measures may have been delivered before the Proposed Development commences.
    - Headstarting has not been trialled before on Common Scoter so there is uncertainty as to the effectiveness of this measure in 'buying time' for the species while other conservation actions are delivered. If feasible, approval for headstarting from NatureScot will only be granted, and the initiative successful, if other conservation issues are addressed. The West Inverness Glens Nature Restoration Project and RSPB Scotland have applied for funding for such a trial project but have so far been unsuccessful.
    - Diversionary feeding has not yet been trialled for Common Scoter, so it is currently unknown if it is effective.
    - A predator fence is already in place at Loch Garry. It is managed and maintained annually and is due to be extended this autumn to increase its effectiveness over a wider range of water levels.
4. The Shadow HRA and section 10.9.2 of the EIAR also mention further geolocator research. Again, this is not included in the OBEMP. However, there is no further requirement for this type of research at present as most of the breeding females have already been tracked or are still carrying geolocators that have not been possible to retrieve. If monitoring is to take place, we would recommend acoustic monitoring for Common Scoter as well as research on their diet as this could help us understand how these birds use the SPA and provide a better understanding of their ecology, the threats on the breeding population and inform future conservation measures.
5. Although potentially useful, these approaches do not comprise mitigation, compensation nor Biodiversity Enhancement and this should be made clear in any documents.

From the information provided, it is assumed that Common Scoter would be lost from Loch Fearna, and no mitigation can be proposed in relation to this. The Applicant has not fully recognised this impact and assessed it in relation to the conservation objectives of the SPA.

Notwithstanding the semantics, we have endeavoured to offer sufficient habitat enhancements within and around the site to both mitigate for any adverse effects and to provide enhancement beyond this. These are presented in the OBEMP, which seeks to offer landscape-scale habitat enhancements that would, inter alia, support the aims of the Inverness-shire Lochs Habitat Restoration Project as well as the Upper Garry Salmon Restoration Project. Many of these were suggested and or endorsed by the RSPB.
Since the submission of the Section 36 planning application for Fearna, the RSPB were kind enough to forward reports by "The Aquatic Consultancy" on the restoration and enhancement of common scoter habitat within both Loch Loyne and Loch Garry. The detail in these makes explicit the physical habitat issues currently affecting the scoter nesting areas, without which it appears that the future for all scoter on these lochs is at high risk, not just the single pair which uses Loch Fearna. The Applicant is prepared to support and fund all of the measures put forward in these two reports, with the exception of the dam across the western end of Loch Loyne. We do not consider the dam option to be reasonably practicable or sensibly affordable, and we believe that the consultant has underestimated what would be

involved in constructing a dam under the Reservoirs (Scotland) Act. Furthermore, the proposal would significantly curtail the effective storage of the reservoir, which we do not believe would be acceptable to its owner.
The budget costs for these works, based on the "scaled back" version (excluding the dam) are in the region of £1.1M. We would be prepared to offer up to £1.5M through an agreed funding structure to support the delivery of these works, subject to consents and landowner agreement. Should the Inverness-shire Lochs Habitat Restoration Project have secured the funding for these works from elsewhere, we would be happy to transfer the funding to other local works to support the wider aims of the project.
In terms of timing, we would be happy develop the works proposals with stakeholders in advance the start of construction of the scheme, with financing of their construction released once the Financial Investment Decision to proceed with the project's construction was taken.
Commitment to these measures would not affect the other habitat enhancement measures included in the OBEMP which do not overlap with these plans.

<u>Dewatering of Loch Quoich - Potential flooding of nest sites during tunnel construction</u>

We note that Loch Quoich would have to be partially dewatered during the construction phase of the headrace and tailrace tunnels. This water would need to be expelled from the loch in huge volumes, which could raise water levels downstream in the catchment potentially affecting water levels in Loch Poulary and Loch Garry both of which form part of West Inverness-shire Lochs SPA. These lochs are part of an existing hydro scheme and the water levels in Loch Garry are currently carefully controlled by SSE Renewables during the Common Scoter breeding season, in consultation with RSPB Scotland, to try to ensure that nests are safe from flooding events.

If the dewatering occurred during the breeding season (May) as suggested in sections 2.7.5 and 11.9.5 of the EIAR, additional water from Loch Quoich entering the system could flood nests.

May is within the peak nest selection, egg laying and incubation time for Common Scoters and divers. Dewatering of Quoich would likely flood the islands important for nesting or flood existing nests with loss of eggs and young. It is highly likely pairs would not re-lay eggs within that season. It could also flood the shallow margins of the lochs, impacting on the survival of the aquatic invertebrates, many of which are not mobile and do not have the ability to move into the new temporary shallows created.

This impact has not been addressed by the EIAR, nor the Shadow HRA, and is an additional potential impact from the proposed development on the West Inverness-shire Lochs SPA. The only information provided is that the drawdown of Loch Quoich will require management of both the outflow from Loch Quoich plus the downstream catchment, which is influenced by Loch Garry and the Garry Dam (section 6.7.4), and this would need to be agreed with SSE Renewables, and other users and stakeholders within the Garry catchment (section 6.7.5).

Further information is required, including modelling of water level rises

downstream, following the dewatering of Loch Quoich during construction, to assess the likely significant effect on the SPA through potential flooding of nest sites and how it could be mitigated.

There has never been any intention to carry out any temporary drawdown of Loch Quoich during construction that would be outside of the constraints of the CAR licence for the existing Garry hydro scheme, including allowable flows from Loch Quoich and agreed operational water levels in Loch Garry. We concede that the information on this was unclear, and a report has been prepared to support the SEPA CAR licence application which gives clarification of water flow and level proposals during construction: "Fearna – Quoich Temporary Works Report". This confirms that there will be no additional effects on water levels in Loch Quoich and flows to the Garry catchment downstream, compared with the operational arrangements of the current Garry hydro scheme.

Downstream water quality impacts to Loch Garry catchment

Indirect effects on water quality (via pollution, sedimentation and potentially water temperature change) and food supply are a likely significant effect of the development, both during construction and operation on both Black-throated Divers and Common Scoter, the qualifying features of the West Inverness-shire Lochs SPA. This seems to have been recognised in the Shadow HRA. However, a number of other water quality impacts have not.

We are extremely concerned about siltation, dust (from tracks and borrow pits) and potential eutrophication from wastewater (released from the main site compound (SC1)) affecting water quality, as well as the potential impacts on the water flow and breakdown of the thermocline in Loch Quoich, with potential cascading impacts on algae, aquatic invertebrates, fish (particularly salmon and trout fry) and thereby divers and scoter further downstream in the wider Garry catchment.
Taking these points one by one:

- Siltation and dust will be controlled through the CEMD and its subsidiary documents. This is all standard construction procedure and we do not see any issues in controlling this.
- Wastewater from SC1 will be controlled either by removal from site or by on-site treatment such that any discharges are to the standard licenced by SEPA, which will be sufficiently low to preclude eutrophication.
- There would be no change to water flows downstream of Loch Quoich from those licenced and enacted for the operation of the existing Quoich hydro scheme.
- Effects on temperatures in Loch Quoich and any potential for these to impact on the wider Garry catchment have been addressed in a number of studies, which will included in a report to be issued with the CAR licence application in early July 2025. The temperature monitoring carried out to date shows that Loch Quoich and the Gearr Garry are currently independent of each other with respect to temperature. This is expected to remain the case but the modelling report will confirm the findings.

Both divers and scoters select oligotrophic lochs (i.e. with low levels of nutrients) in which to breed and feed and these conditions determine the aquatic invertebrate

prey species which form the base of the food chain. Aquatic invertebrates are the foundation of the ecosystem of the SPA and are impacted by water quality. Divers and scoters rely on them to feed their young chicks, and adult scoters rely on the larger aquatic invertebrates over 4mm in size for their food. Large diver chicks and adults feed on fish but it is unknown what species they rely on at this SPA. We understand that minnows are likely to be less affected by sedimentation and siltation, but salmon and trout fry are likely to be adversely impacted.
An increase in nutrient inflow via the tributaries and ground water to the SPA lochs will impact on the aquatic invertebrate assemblages, thereby damaging the foundation on which the divers, scoters, other waterbird assemblages and fish rely. Unpublished RSPB reports suggest that eutrophication (i.e. enrichment in nutrients) of the water in Lower Lough Erne in Northern Ireland from diffuse pollution, reduced the Common Scoter breeding population from c.160 pairs to zero. Dewatering of Lochs Quoich and Fearna during the protracted construction phase of the headrace and tailrace tunnels as well as construction of the SAR and construction and operation of the SC1 could all contribute to these issues.
For clarity, Loch Garry is the only SPA loch hydrologically connected to the Proposed Development.
Loch Quoich will not be "dewatered" during construction. Control of water levels will be within the constraints of the existing SEPA CAR licence for the Garry hydro scheme as well as recognising existing operational constraints implemented by SSE during the scoter nesting season. Details are in the document "Fearna – Quoich Temporary Works Report".

Given the requirement for large volumes of water to operate the PSH system, we are concerned that this could also have a long-term effect on the water flow through Loch Poulary and Loch Garry since Loch Quoich currently supplies 30% of the water feeding this system. Clarity should be provided on the rates and volumes of water from Loch Quoich to the lower catchment once the scheme is operational compared to current rates.
As detailed in the EIAR, the operation of Proposed Development will not lead to any modification to flows through Loch Poulary and Loch Garry, with these continuing to operate as at present and under the same CAR licence.

The potential breakdown of the thermocline in Loch Quoich from rapid transfer of water from Fearna to Quoich is likely to result in reduced surface temperatures in the loch, but increased temperatures lower in the catchment at certain times of year. This could also disrupt the food chain within the loch and downstream.
Effects on temperatures in Loch Quoich and any potential for these to impact on the wider Garry catchment have been addressed in a number of studies, which will be included in a report to be issued in early July 2025.

We welcome that a water temperature and water level monitoring programme is currently being carried out in Loch Quoich and the River Gearr Garry (section 11.5.9 of the EIAR). We also note that macroinvertebrates are included in the assessment as a food source for other Important Ecological Features (Table 11.1), and the reduction of water quality via pollution and sedimentation resulting from the construction period is considered within the Shadow HRA as well as the change in water quality discharged to the SPA waterbodies resulting from mobilisation of sediments within the Fearna reservoir during operation. However, the impacts from

siltation, dust, water flows and breakdown of the thermocline in Loch Quoich on water temperature, aquatic invertebrate prey and downstream effects have not been fully assessed or discussed. In addition, the proposed wastewater treatment from SC1 (section 2.9.12) has not been discussed.
See comments above.

Section 11.8.67 of the EIAR suggests a colder, deeper stratum of water is present below depths of approximately 20m, but only during the months of April/June to November, and that this stratum appears to be bathymetrically isolated from the construction area of the Proposed Development. However, it is clear that the details of the temporary drawdown are not yet developed (section 2.7.5), and no temperature change assessment has been undertaken for aquatic invertebrates.
Effects on temperatures in Loch Quoich and any potential for these to impact on the wider Garry catchment have been addressed in a number of studies, which will included in a report to be issued shortly. We do not believe that the predicted water temperature change will be material to the wellbeing of invertebrates. Refer also to the "Fearna - Quoich Temporary Works Report", which confirms that no temporary drawdown is proposed.

With regards to reduction in water quality via pollution and sedimentation, Table 3, (page 28/29) of the Shadow HRA concludes 'no adverse effect on SPA integrity'; and states, "Once the proposed avoidance and mitigation, measures have been implemented, there is a very limited risk of any sediment or pollutants from the SAR or site compound entering the Garry catchment". However, the mitigation measures have not been specified in Table 3 and operational impacts of the PSH itself do not seem to have been considered, nor impacts from water temperature change or on invertebrates and fish on which divers (and scoter) feed in other lochs potentially affected.
The measures are defined in the CEMD and associated documents within the EIAR.

We note that construction mitigation includes, timing the dewatering of Loch Quoich in May to protect fish spawning (sections 2.7.5 and 11.9.5), maintaining compensation flows to the Gearr Garry, and suitably designed drainage and silt mitigation measures to prevent a deterioration of water quality during the construction phase via surface run-off (section 11.9.14).

We also note that there would be monitoring throughout the construction phase and post construction through a water quality and flow programme confirm no impact on the West Inverness-shire Lochs SSSI and SPA (12.8.34 and 12.8.36). Although we appreciate best practice techniques would be used in any mitigation measures (12.9.17), we are concerned that if any were found to be ineffective, this would have devastating and cascading impacts on the SPA ecosystem. Monitoring could identify issues, but there must be an effective plan in place should water quality be found to be adversely affected or a pollution incident to occur.
There will be an effective plan in place, endorsed by SEPA, within the Construction Environmental Management Document.

The impacts from siltation, dust, wastewater, water flows and breakdown of the thermocline in Loch Quoich on water temperature, aquatic invertebrate prey and downstream effects on the SPA should be further

assessed.

The competent authority must satisfy themselves that there is sufficient certainty in proposed mitigation when undertaking the appropriate assessment.

Cumulative assessment

We are of the opinion that the cumulative and in-combination assessment has underestimated impacts on the SPA Common Scoter population. We disagree with the Shadow HRA conclusion that, "As no minor residual effects were identified, following implementation of mitigation, there are no effects from the Proposed Development that could act in combination with effects from other plans or projects." Clearly there are residual impacts as no mitigation can be proposed to address loss of Common Scoter from Loch Fearna. We are extremely concerned that potential impacts from other relevant developments on the SPA population of Common Scoter have not been taken into consideration, and therefore impacts not properly assessed:

1. The EIAR states that the cumulative assessment does not include any associated works of the Proposed Development which fall under separate planning applications, including a switching station and the associated grid connection and access tracks (sections 2.4.37 and 10.8.86 of the EIAR). We also note SC1 would have its own temporary grid connection (section 2.9.13). NatureScot guidance[6] states that "all plans or projects in the area", and "Any associated development (i.e. **grid connections** or track construction) should be considered within the cumulative impact assessment." [emphasis added]. Although it is appreciated that the grid connection and switchyard and associated infrastructure for this proposal will be subject to a separate consenting regime (Section 1.4.1 of the EIAR), to ignore these elements which will be required should consent be granted for the proposal, is to understate the full impact that would result from such a development. SSEN are currently undertaking a public consultation on the route options and so a qualitative assessment is possible[7].
   Once SSEN have completed their route assessment an informed assessment can be carried out. At present the route and nature of this connection is unknown, and therefore no assessment can be made on the potential impacts on any species.

2. Only three developments are considered within the cumulative and in-combination assessment for ornithology (Table 10.6). These are proposals the Applicant has identified as adjacent to the West Inverness-shire Lochs SPA and SSSI or affecting the same habitats and bird species within 10 km:
   - the Skye Reinforcement Project (which runs through the site boundary),
   - Beinn Bheag wind farm (turbines are proposed adjacent to the SAR, which runs through the scoping boundary of the wind farm, and it

[6] https://www.nature.scot/doc/guidance-assessing-cumulative-impacts-onshore-wind-farms-birds
[7] Loch Fearna PSH Connection - SSEN Transmission

appears likely access tracks would have to be shared), and
- Coire Glas PSH (which shares the new junction, bridge and eastern part of the SAR, section 2.4.52)

However, there are other proposed developments in the vicinity of the development and SPA such as the Loch Lundie substation that should also be included. Moreover, a number of additional wind farm developments in the wider area have the potential to affect Common Scoter and Black-throated Diver migration routes, and therefore, we believe these should be included in the assessment, namely:

- Bunloinn wind farm (consented)
- Culachy wind farm (in planning)
- Beineunn wind farm (constructed),
- Beneunn extension and extension 2 (constructed)
- Tomchrasky wind farm (in planning)
- Millennium windfarm (constructed) and
- Millennium East (scoping)

Indeed, section 11.8.81 of the Aquatic Ecology Chapter notes that these developments are located within 10km of the Proposed Development.
The aquatic ecology chapter considers the cumulative impact of "Other developments within or adjacent to the same catchments as the Proposed Development and other developments affecting the same habitats and migratory species within 5km of the Proposed Development". Neither of these criteria applies for ornithological interests, and in any case no cumulative effects are identified.

3. It is our opinion that the Skye Reinforcement Project is likely to have an impact on Common Scoter and Black-throated Diver due to collision risk. Although the use of bird deflectors is likely to provide some mitigation for collision risk, risk remains especially as much of their flight activity that would cross these new overhead lines is likely to be at night when deflectors are likely to be ineffective.

4. We agree with the statement that there are potentially significant cumulative effects are predicted with the Beinn Bheag wind farm (Table 10.6). However, the assessment does not detail likely impacts nor suggest any mitigation, possibly because this development is currently at the scoping stage (ECU00005186). We have significant concerns regarding potential collision impacts to the West Inverness-shire Lochs SPA qualifying species as it is located between component lochs of this site. In addition, it is likely the SAR would be shared with this proposal (if consented and implemented). It is therefore crucial to cumulatively assess likely construction impacts of both projects. This has not been undertaken.
These will be no collision impacts associated with the Proposed Development, it being a hydro scheme, not a wind farm nor overhead power line. At present the construction access for the Beinn Bheag wind farm is not defined, and if the SAR is used, it is believed that it would need to be significantly altered from the design proposed by Fearna PSH scheme, which makes no material alignment changes within the Glen Garry Forest

The cumulative and in-combination assessment is insufficient. Impacts should be re-assessed, including the developments noted above.

In summary, we do not believe it can be concluded that there would be no adverse impact on site integrity of the West Inverness-shire Lochs SPA due to:

- **The predicted loss of the breeding pair of Common Scoter on Loch Fearna.**
- **Insufficient assessment of the potential effects of the partial dewatering of Loch Quoich during construction.**
- **Insufficient assessment of potential impacts on water quality during construction and operation, and**
- **Insufficient assessment of cumulative/in combination impacts.**

Issues with Breeding and Wintering Bird Surveys

Although we have no doubt the breeding and wintering bird surveys conducted allowed the collection of data to inform general knowledge about species present on and around the site, we have a number of concerns that the surveys are insufficient, and do not adhere to NatureScot guidance. Although NatureScot does not have specific standard survey guidance for hydro schemes, it does for wind farms[8], and this guidance document should have been followed as recommended in our scoping response dated 21st May 2024.
We would note that wind farms and overhead lines present very different risks to birds than hydro schemes and the survey methodology for these may not be relevant to hydro. E.g., for hydro these is no collision risk, so little value in vantage surveys to identify flight lines relating to tall or rotating structures.

The issues detailed below under the following headings mean we have little confidence in the survey results and subsequently the assessment of impacts, which are likely to be underestimated:

Survey Methodology

The standard breeding bird methodology that NatureScot recommends to inform development proposals is the Moorland Breeding Bird Survey (adapted Brown & Shepherd method) with four survey visits at least seven days apart between mid-April and early July. However, we note that the 2022 surveys solely used the BTO breeding bird survey method[9] (Confidential Appendix 10.1.1), and the 2023 and 2024 surveys used a combined BTO breeding bird survey and Brown & Shepherd method with three annual visits. It is not clear how these were combined.

The BTO method is entirely inappropriate for informing development assessments as it is used to determine long-term population trends, rather than the territory

[8] https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

[9] https://www.bto.org/our-science/projects/breeding-bird-survey/research-conservation/methodology-and-survey-design

mapping required. The more surveys undertaken, the more accurate the locational data, so it is best practice to undertake more than three visits. We understand that as BTO generally relies on volunteers with limited time availability to undertake surveys, the BTO Method is designed to minimise the number of survey visits for practical reasons. Starting breeding bird surveys in May, as was done in 2023 (Confidential Appendix 10.1.2), risks missing earlier breeding attempts, so this should be considered a limitation.

The wintering bird surveys also appear to be based on above BTO Breeding Bird Survey methods, despite this not being a methodology for wintering/non-breeding birds.

Brown and Shepherd (B&S) was designed for wader surveys in upland England, and has limitations in Scotland, especially on sites where there is a range of habitats and altitudes, and breeding birds are being recorded. As a way to increase the data on baseline surveys, a field survey method was devised in 2010 in agreement with SNH whereby the B&S method was combined with the BTO BBS. For fifteen years, this combined survey method has been widely acknowledged as being an improvement on mixed-habitat sites with the potential for a large passerine population.

Fundamentally, all bird surveys involve walking across the proposed site recording all bird species seen and heard. The addition of elements of the BBS to the standard B&S methods allows a variation of habitat to be included, allows the surveys to begin at dawn (increasing the number of passerine species recorded), allows behaviour codes to be added where applicable (to prove breeding, territory holding, etc), and allows one method to be used across whole sites. Winter walkovers use the same methods – covering the entire site, recording everything, combining the standard B&S method with the ability to include passerines and start at an earlier time when birds are most active. Obviously the post-fieldwork methods and analysis of long-term trends are not necessarily applicable.

This method increases the quality of the data, the number of species recorded, the ease of recording, and allows analysis of the field data to be compared between years. It has never been questioned until this year, when the RSPB has twice objected to its use.

Three visits to all sites was the standard SNH guidance during the 2000s, but following consultation with consultancies, due to the size of wind farm red-line boundaries, three visits meant that areas of the land went long periods of time without being surveyed. It was proposed that four rounds were introduced with a less intensive coverage to ensure that all stages of the breeding season were included in data. This was finally published in 2013 and 2017, in the wind farm guidance.

Wind farms have extensive footprints, with the whole site requiring survey as there is so much infrastructure included within the site (turbines, laydown areas, access tracks, spur access tracks, substations, etc), and locations of all this infrastructure is likely to change regularly through the planning period, hence the requirement of full coverage of the site. Hydro schemes have a considerably

smaller footprint, with the entire site being surveyed in a short period of time, and initial baseline surveys have sustained three visits. This was also agreed with SNH when the four-round wind farm guidance was published, and has only recently been challenged during consultation. As second year surveys onwards target specific species, with standard species-specific guidance being followed, four rounds are often undertaken after the first year. As a result, there is no data deficiency and no lack of data for each area. Initial baseline surveys have already been increased to four years on new hydro scheme sites, but there is no discernible increase in the numbers of species being recorded due to the habitats involved.

The SAR and site compound and staff accommodation (SC1) were only surveyed in the spring/summer of 2024, and therefore only one breeding season of data exists for this part of the proposal, and no winter data. We note that a point count method by vehicle was used within forested environments along the SAR, stopping at regular intervals (approximately every 100-200 metres) and recording songs, calls and sightings of all species present. Although this is a useful method to indicate species' presence, it would not cover a 500m buffer from proposed infrastructure in line with guidance as outlined further below.

The SAR and SC1 were surveyed at the earliest opportunity once agreement over the route with the relevant bodies had been reached. There is no standard guidance for woodland birds, and this survey was undertaken to assess the potential for protected species or species of conservation concern along the SAR and within SC1 prior to the production of the EIAR so it could be included in the assessment above standard practice.

The SAR will use the existing forestry track, with elements of widening involved in certain places and some resurfacing required. The proposed land take will be no more than 10m either side of the existing track over the majority of the route. Even at the height of track improvements, it is highly unlikely that birds 500m from the track will be disturbed or displaced by the works, and the current survey is considered appropriate. No winter survey has been undertaken as fewer protected species or species of conservation concern will be present through the winter period. Winter surveys will be undertaken prior to works commencing to ensure any sensitive areas and species are included in any pre-construction assessments.

No vantage point surveys of the PSH site were undertaken to establish Golden Eagle foraging use of the site.

Whilst vantage point watches (VPs) are useful in denoting use of a site, it is unusual to undertake VPs at hydro scheme sites due to the small area of land take involved. Assuming Golden Eagle does hunt over the site (one pair has been recorded during poor weather in 2025), the area of proposed construction is likely to amount to under 1% of their home range, and therefore (considering the adjacent terrain) will amount to an insignificant of potential displacement over the construction period, and we believe does not justify the undertaking of VPs. If hunting was a regular occurrence, this would have been recorded during the standard surveys.

Survey areas and buffers

Surveys in 2022 and 2023 only covered the PSH area, and through time, the design has evolved, with the proposed footprint covering a larger area. Therefore, it appears that the 2022 surveys did not cover the full proposed inundation area at Coire Dubh (see map in Confidential Appendix 10.1.1). Although we understand no additional species were recorded in the Coire Dubh area once survey coverage increased (Confidential Appendix 10.1.2), no detail is provided as to how many more additional territories were recorded.

Coire Dubh was added to the design after the conclusion of the 2022 survey period, which is why it was not covered during that period. Red Grouse and Meadow Pipit were the only species recorded on the ground within Coire Dubh. No Meadow Pipit transects have been undertaken to assess the population within the coire, although we would suggest that density is lower than average. As the RSPB is aware, Red Grouse do not necessarily hold territories, and defining numbers is notoriously difficult, especially during the breeding season. We would estimate, based on the records we have, that there may be only two pairs within the coire, which would be an average population in that habitat since the crash in population about ten years ago.

All site location and survey area maps in Confidential Appendices 10.1.1 to 10.1.4 only show an "approximate" survey area for both breeding and wintering bird surveys so the extent of coverage and compliance with guidance is unclear. NatureScot guidance states:

> *"The survey area and design must adequately cover the entire development area, i.e. the largest possible layout, all the alternative layouts and ancillary structures and works. This includes access tracks; borrow pits, electrical substations and underground and overground grid connections...*
> *"The main breeding and wintering bird survey areas should therefore extend at least 500m beyond the development/ planning application boundary. For access tracks and grid connections, the survey area should be 500m either side of the proposed limits of variation of the route."*

The buffer area used for ornithological study area is unclear, with apparently conflicting information. Section 10.3.1 of the EIAR states that "The ornithological field Study Area comprises the footprint of the Proposed Development with an appropriate buffer of up to 500 metres where feasible around areas of proposed infrastructure, and approximately 100 metres along the proposed Southern Access Route (SAR)." However, in relation to the SAR, section 1.2.9 of Appendix 10.2 states "Although much of the Study Area lies outwith the Proposed Development, an approximate buffer of 200m was added to all areas of proposed works to ensure full coverage of potential ornithological constraints." A 500m buffer should have been used around all elements and the Application site boundary.

In addition, the maps of survey areas provided in Appendix 10.2 (Figure 10.2.1) and Appendix 10.1.4 are different and clearly show that a 500m buffer from proposed infrastructure has not been surveyed. The map provided in Appendix 10.1.4 also shows that some areas of SAR route were not included in survey boundaries. We are particularly concerned that waterbodies like Kingie Pool do not appear to

have been included in the survey boundary despite being within 500m of the Proposed Development and a likely key area for breeding birds in close proximity to the SAR and two borrow pits.

Lastly, as impacts of the development include the partial dewatering of Loch Quoich during construction, it is our opinion that the full shoreline should have been covered during surveys.

This seems disingenuous as there is no statutory guidance covering woodland habitats, so the buffer zone is not strictly defined, and access to most points within 500m of the SAR would be extremely difficult. Also, it has been stated that the SAR surveys were undertaken from the track, and therefore included a buffer of however far away birds could be heard or seen, which is assumed to be up to 200m over much of the site, probably less in the densest woodland blocks.

Kingie Pool was included in the surveys, and the data included within the SAR surveys.

The dewatering has been discussed elsewhere.

Presentation of survey results

Section 1.3.10 of Appendix 10.2 correctly identifies that summary maps of survey results are required to determine territory centres and population estimates in the study area. However, the only map of bird locations provided in the EIAR presents the records from the desk study and data search, as described in section 10.3.4 of Confidential Appendix 10.1.

NatureScot guidance[10] states in section 5 that "Locations of all survey records of birds/nest distribution must be clearly presented in map and tabular form." As far as we are aware, no maps of survey results have been presented in the EIAR despite Section 10.6.13 of the EIAR stating that "Several species were recorded in habitats or locations that are contained within the footprint of the Proposed Development, and they have the potential to be affected by the Proposed Development, most likely through habitat loss of their preferred foraging or nesting locations." These sightings relate to red and amber-listed Birds of Conservation Concern: Common Sandpiper, Dipper, Goldeneye, Ptarmigan, Ringed Plover and Snipe. However, as no territory maps have been provided or estimates of numbers of territories for some of these species, it is impossible to fully assess impacts on their populations.

Following a request from RSPB Scotland, the Applicant sent through additional maps to us, but these did not present the information and level of detail required as outlined above.

Inclusion of nest site locations (despite the NatureScot guidance) is not standard for species other than those species afforded additional international or national protection, and these species have been mapped and described within the main

[10] https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms#3-area-of-survey-required

body of text. These can be mapped individually if required, as can the species of conservation concern like Common Sandpiper (likely to have been under-recorded as they nest across the moorland) and Snipe (also likely to have been under-recorded due to its cryptic nature). Ptarmigan were heard calling once high on the hills north of Fearna, there is no breeding data. It is not considered, however, that the nest sites of these species in areas away from proposed works and highly unlikely to be disturbed through the construction period, is important data.

Requirement for species-specific surveys

In line with NatureScot guidance, distribution and abundance surveys should have been carried out for key species. Such surveys require their own methodologies, such as those for raptors and owls, breeding divers and Black Grouse. The surveys undertaken to date do not provide the level of detail required for a robust assessment of predicted impacts.

We note Black Grouse were recorded foraging along the SAR and RSPB Scotland hold records of historical small leks along the SAR. This should have triggered the need for specific Black Grouse surveys within 1.5km of the SAR in line with guidance. We note the location of the lek on Confidential Figure 10.1.2, but there is likely to be smaller satellite leks in the vicinity. We note, Appendix 10.1.4 (Confidential Breeding Bird Survey 2024) recommends further monitoring to ensure that their communal display sites will not be compromised by the potential increase in traffic and human activity during the construction phase of the scheme. This, however, has not been undertaken.

Although breeding divers were recorded during surveys, the standard survey methodology for this species does not appear to have been used.

Lastly, we are concerned that no raptor surveys (including White-tailed Eagle winter roost surveys) were undertaken even though Merlin and both Golden and White-tailed eagle species were recorded during the breeding bird and winter walkover surveys.

Bird surveys are designed to record species within a defined area (the proposed area of works plus a buffer), and follow survey guidance to ensure a blanket coverage of the site (as discussed above).

It is not standard to undertake a suite of surveys in the chance that species will be present. Owl and breeding raptor studies would have been undertaken if signs of breeding had been recorded (or even suspected) during the survey period. One brief flight of a male Merlin in 2023 has been the only record of this species. One White-tailed Eagle sighting high over the site in March 2024 was the only record of that species. These records do not constitute enough data to undertake full species-specific surveys, similarly up to the 2025 breeding season, there had been one immature Golden Eagle record. Having been in contact with the Raptor Study Group and received locations of known nest sites for all raptors, we are confident that no other breeding raptors are present within the site or within a 500m buffer zone.

Diver surveys are designed to understand movements between breeding lochs and

feeding lochs in relation to potential collision risk from wind farms. We believe it is unnecessary to undertake diver surveys for a hydro scheme where there is no collision risk and no likely impact on them (other than the previously discussed low level of disturbance on Staic). Surveying all waterbodies within 8km of the site would be a lot of work with zero useful data.

Similarly, the infrequent Black Grouse sightings do not constitute enough data to undertake full lek surveys, especially along the SAR, where works will only be undertaken within 10m of the existing track, and will be highly unlikely to disturb any lekking activity. Forestry and Land Scotland have provided locations of recent lek sites on their land, and prior to construction along the SAR, further surveys will be undertaken to ensure all lek sites are recorded and no lek site is likely to be disturbed.

In summary, we object due to insufficient survey work to allow an adequate assessment of likely significant effects on birds. We strongly recommend that the following is needed to allow an adequate assessment of likely significant impacts to be carried out:

1. Further information as to why NatureScot's standard survey methods for moorland breeding bird surveys have not been used in the EIAR.

2. Survey maps denoting territory centres should be provided for surveys undertaken to date.

3. An additional year of surveys should be undertaken across the entire proposed development site (PSH, SAR, SC1 (and temporary overhead line), powerhouse and all access tracks and borrow pits, as well as the Loch Quoich shoreline).
   - This should include Moorland Breeding Bird Surveys (Brown and Shepherd methodology) and species-specific surveys for breeding raptors, divers and Black Grouse, and roosting White-tailed Eagle surveys within appropriate buffers in line with NatureScot guidance.
   - Vantage point surveys for Golden Eagle activity are also recommended at the PSH site; and general vantage point surveys where the temporary overhead line for SC1 is proposed.
   - Survey effort should include any sensitive areas for breeding birds within the buffers such as Kingie Pool and other wetland areas.
   - Territory maps and maps showing survey results are produced as an output of the additional surveys.

5. Common Scoter data going forward (from Loch Fearna and the SPA lochs) should be requested from RSPB Scotland to avoid additional disturbance impacts on breeding pairs.

Information has been provided on the above.

Territory maps of Common Sandpiper, Snipe and Ringed Plover can be provided if deemed essential.

Ongoing annual monitoring of the site is proposed to ensure a full contemporary record of all species on site and along the SAR. This will continue to include dawn starts to include passerine records.

We do not believe that our surveying is causing disturbance to the Common Scoter. In all visits, the pair has been present on the loch and has almost certainly not even recognised the surveyor's presence. We strongly refute that these survey visits have led to any disturbance of the birds, or that the surveyor's presence has affected the potential breeding of the pair.

Impacts on Red-throated Diver and Wood Sandpiper

RSPB Scotland objection comments on this are provided in Confidential Annex 3 below.

ANNEX 2: RSPB Scotland Concerns and Comments

Impacts on wider-countryside bird species

Species listed on Schedule 1 of the Wildlife and Countryside Act which were discussed in Confidential Appendix 10.1 are covered in Confidential Annex 3 of this letter. Other species are discussed below. In summary, due to inadequate surveys and assessment, RSPB Scotland believe that likely impacts on birds have been underestimated.

Golden Eagle

No assessment of foraging habitat loss, disturbance and displacement has been undertaken for Golden Eagle, which was scoped out of the assessment.

We note that there is a breeding pair of Golden Eagles within 3km of the proposed development (which last bred in 2018), and only one sighting of a young bird in flight over the site was recorded during winter surveys (section 10.6.16 of the EIAR). This is likely due to the fact that the survey methods used (BTO Breeding Bird Survey) were not designed to establish current Golden Eagle use of the PSH site.

This is concerning as the PSH is likely to be located within the eagles' home range and if they return to breed, this site would provide foraging habitat for them which would be lost under the inundation zone of Loch Fearna and associated infrastructure. Birds may also be prospecting this vacant territory, and the site may also provide foraging for non-territorial Golden Eagles, such as the young bird recorded in the winter surveys. Therefore, the likely impact cannot currently be assessed without sufficient survey work to establish the use of the site by Golden Eagle.

We strongly recommend that vantage point surveys are undertaken in order to establish the importance of the site for foraging and prospecting Golden Eagle to inform the assessment.

Neither the Applicant nor the Raptor Study Group is aware of an eagle nest that close to the proposed development, with the nearest known nest site on record over 3.5km north of the SAR, and approximately 7.5km from Loch Fearna. As explained above, the BTO BBS method was only used in combination with the standard moorland B&S method during the survey, as a result of which the field survey data obtained is more robust and contains more species than otherwise would have been recorded.
As mentioned above, in the event of eagles having the site within their home range, the inundation of Coire Dubh and the loss of potential foraging habitat along the access tracks would amount to a minimal percentage of suitable land within the range and would be insignificant. As also discussed above, the presence of Golden Eagle is not in dispute, so the undertaking of VPs would have no benefit in determining their presence on site.

We also note that helicopters will be used during the construction phase (as

discussed in Confidential Appendix 10.1), there will be borrow pit blasting, piling, and heavy use of vehicular movements during the dam construction (section 10.8.49), and the site compound in this location would accommodate up to 100 people during the 7-year duration of the construction (sections 2.11.2 and 3.6.102). The disturbance and displacement impact of these activities on Golden Eagle have not been discussed. If the closest territory were to be re-occupied, there is a likelihood these loud activities would adversely impact the birds or displace any newly establishing birds. The noise may also reach more distant territories, depending on weather conditions. In addition, more distant currently occupied territories could be disturbed from helicopter flights.

An assessment of foraging habitat loss, disturbance and displacement should be undertaken for Golden Eagle, including proposals for helicopter flight paths and borrow pit basting.

It is not proposed to use helicopters except for emergency evacuation in the event of a severe accident, but not any routine use.

White-tailed Eagle

The Scoping Report for the overlapping Beinn Bheag wind farm has reported that White-tailed Eagles have been recorded roosting within their survey area.

White-tailed Eagles are afforded the highest legal protection in Scotland, being listed on Schedules 1, 1A and A1 of the Wildlife and Countryside Act which protects birds from disturbance all year round and their nest sites from interference and destruction. The species became extinct in the UK during the early 20th century due to illegal killing and the present population is descended from reintroduced birds. White-tailed Eagles are also amber-listed Birds of Conservation Concern with approximately 150 breeding pairs in the UK[11].

It will therefore be important to take account of any roost sites in addition to the nest sites in the assessment and design of the layout of the SAR, SC1 and the borrow pits. Infrastructure should be at least 500m from roost and nest sites[12] to avoid the loss or displacement of the roosts.

We strongly recommend the data is requested from the Beinn Bheag developers, and that White-tailed Eagle roost surveys are undertaken to inform the assessment.

Although their extirpation is well-documented, White-tailed Eagle currently has one the fastest increasing populations of raptor in the UK, and is widespread across much of upland Scotland. NatureScot guidance recommends a buffer of 2km from wind farms sites for winter raptor roosts, including White-tailed Eagle. This in no way affects the proposed development, although had an accumulation of White-tailed Eagles been recorded during the winter surveys, or a roost site

[11] https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/bird-a-z/white-tailed-eagle/

[12] https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance

had been suspected, naturally these would have been surveyed and monitored.

Peregrine

We note that a historical Peregrine nest site is located within the Study Area, which was active until 2019 (section 10.6.15 of the EIAR). This was scoped out of the assessment. Again, as with Golden Eagle, it would be precautionary to include in the assessment as there is a potential it could be lost. Recently occupied, traditional nesting sites should be protected to allow reoccupation in future.

Disturbance, displacement and loss of breeding habitat impacts on Peregrine Falcon should be included in the assessment.

The area of the former Peregrine nest is included in the survey area. There has not been any sighting of Peregrine on any survey undertaken so far, but as with all raptors, should nesting be suspected, the appropriate monitoring will be implemented. As there have been no sightings, Peregrine have not been included in the assessment.

Assessment of impacts on birds recorded during surveys

Chapter 10 discusses impacts on seven wider-countryside bird species, scoped into the assessment: Black Grouse, Common Sandpiper, Dipper, Goldeneye, Ptarmigan, Ringed Plover and Snipe. Descriptions of where these species were recorded have been provided and the EIAR generally discusses potential construction and operational impacts from habitat loss, disturbance and displacement on the above species. However, as mentioned above, numbers of birds and territory locations in relation to proposed infrastructure have not been provided and therefore it is impossible to scrutinise the conclusions of the assessment nor have a full understanding of any potential population-level impacts. We also have the following comments:

- As no species-specific lek surveys were undertaken for Black Grouse, we are not confident that only 'negligible' or 'low impacts' on this species is a reasonable conclusion. From information we have, we would expect more than one lek site to be located along the route of the SAR.

- Section 10.8.43 of the EIAR concludes no habitat loss impacts on Ptarmigan during construction. However, it is unknown how this conclusion has been reached as it is not explained in previous sections 10.8.37 – 10.8.42. We understand Ptarmigan were recorded in the vicinity of the proposed PSH on the higher slopes, and it is highly likely that the more sheltered areas around the loch and in Coire Dubh could provide important refuges for these birds during winter months and periods of inclement weather. Ptarmigan have recently been placed on the red-list due to declines in breeding population[13] therefore it is important that potential impacts are properly understood.

No Black Grouse leks have been identified at this stage, and there have been no signs of Ptarmigan anywhere near the proposed development. Monitoring will continue, and if records are noted, the appropriate mitigation

[13] Birds of Conservation Concern 5 | CIEEM

measures will be recommended.

- Sections 10.8.49 and 10.8.50 conclude that the magnitude of impact from construction disturbance for all species is considered to be either low or negligible as they will habituate to construction traffic and activity. We strongly disagree with this statement due to the scale and exceptional nature of the visual and acoustic disturbance. The construction would constitute a prolonged period of seven years, of very noisy construction works (including blasting and piling), involving a high number of workers in what is generally a quiet and undisturbed area. Birds will respond to the presence of people and disturbance events at a range of distances, and this will depend on the species, conditions, activity etc. Birds may change behaviour (e.g. stop feeding) and become alert prior to leaving an area (e.g. taking flight). A useful reference for such distances is the NatureScot report by Goodship and Furness (2022)[14], who summarise data on response distances (i.e. when a bird becomes alert or flies when approached) for a range of Scottish bird species. Goodship and Furness also make recommendations for buffer distances, i.e. the distance at which activities should be separated or kept away from birds in order to provide protection. Recommended buffer distances from Goodship and Furness for Common Scoter is 300-500m, 800m for non-breeding Goldeneye, up to 750m for lekking Black Grouse and 200m for breeding Ringed Plover. This reflects their potential sensitivity to disturbance, and do not necessarily take into account activities like blasting and piling. In addition, there is relatively little evidence of habituation in the scientific literature and relatively few studies follow the same individuals over time and clearly demonstrate a change in behaviour. A paper specifically investigating disturbance impacts on Ringed Plover found that this species specifically avoids areas of high disturbance[15].

- Section 10.8.55 states that construction displacement is likely to be reversible over time. Although this may be correct in terms of general noise and activity displacement, the habitat loss predicted also needs to be taken into consideration here as birds are unlikely to return if the habitat they require has been lost or altered.

  All of the above has been taken into account when making the assessment. The assessment was not taken lightly, and it is believed that once operational, only Common Scoter will have suffered irreversible displacement. In 2025, Ringed Plover has not been recorded nesting, and Goldeneye has not been recorded.

- The assessment does not include the partial dewatering of Loch Quoich during construction. As the shoreline was not surveyed, likely impacts of this are unclear. See earlier comments re partial dewatering of Loch Quoich.

[14] Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.
[15] Predicting the population consequences of human disturbance for Ringed Plovers Charadrius hiaticula: a game theory approach - LILEY - 2007 - Ibis - Wiley Online Library

- With regards to operational impacts, we agree with section 10.8.70 that the change in water level within both Loch Quoich and the newly created upper reservoir has the potential to displace birds, such as Common Sandpiper from their preferred foraging, nesting or roosting along shoreline. Appendix 10.1.1 states that "several pairs are likely to breed within heather and moss banks near water within areas covered by the Proposed Development". However, the exact number of territories affected is not provided. Water level change in Loch Quoich would be a maximum of 3.6m over a 20–27-hour period, and at Fearna the water level would change by approximately 60m with a fall rate between 2.1m and 3.2m per hour and rise rate of between 1.3m and 2.45m per hour (section 6.6.15). This is about 20 times faster than at the lower reservoir and no nesting birds, aquatic invertebrates or existing habitats could survive this.

  Loch Quoich already has a large area of drawdown, within which no birds will be nesting, and this will remain unaffected with the proposed development. No nesting pair of Common Sandpiper has been found around Loch Fearna, although there are pairs up the Allt Fearna and along the Allt a' Mheil. In the area between Loch Quoich and Loch Fearna (where no development infrastructure is proposed), Common Sandpiper has several nest sites. Common Sandpiper remains one of the commonest breeding birds in upland areas such as Glen Garry, and even if all nest sites in the area were to be affected, the impacts on the local population would be negligible.

- Despite this, the EIAR predicts that these seven species (Black Grouse, Common Sandpiper, Dipper, Goldeneye, Ptarmigan, Ringed Plover and Snipe) would remain. RSPB Scotland has little confidence in this statement, particularly for shore-nesting species such as Common Sandpiper and Ringed Plover.

  Ringed Plover failed to nest in 2025, but did breed in 2023 and 2024 around the quarry area, although there remain pockets of suitable nesting habitat around the quarry that may be used in the future. Common Sandpiper nest in vegetation, often near water, and are highly unlikely to be affected by any works not immediately adjacent to their nest site. As there is drawdown on Quoich already, their foraging is also unlikely to be affected.

- We agree with Section 10.8.75 which states "that the loss of vegetation from around the edge of the water will dissuade birds from attempting to nest within the inundation zone" (for Common Sandpipers and Dippers) and 10.8.76 suggests they would be displaced to Loch Quoich as their invertebrate food would be diminished at Fearna. We are not aware of any evidence that would support this conclusion that they would re-locate to Loch Quoich. In addition, since no shoreline surveys have been undertaken around the entirety of Loch Quoich, the scale of potential impact on species is unknown, including for Ringed Plover. It is unknown if there is enough space on Loch Quoich for territorial Common Sandpipers to be displaced to.

- Appendix 10.1.2 states that "The high moorland areas adjoining Coire Dubh and Loch Fearna contained low numbers of Red Grouse and the European-protected Golden Plover, with the former calling during the early-May visit, and the latter calling throughout the May and June visits." This calling behaviour likely indicates

breeding. Appendix 10.1.4 confirms that, "it is likely that Golden Plover do breed within 1 kilometre of the proposed expansion of Loch Fearna. However, no nest site was located during the surveys, and the presence of this species is unlikely to be affected by the scheme." Again, it is unclear how many territories and breeding pairs could be lost to the development due to the survey methods used and therefore we are concerned that these two species have not been considered in the assessment and NHZ population-level impacts not identified. Red Grouse are amber-listed Birds of Conservation Concern and Golden Plover are listed on Annex 1 of the Birds Directive.

For these reasons, we believe that impacts on Black Grouse, Common Sandpiper, Dipper, Goldeneye, Ptarmigan, Ringed Plover and Snipe are likely to have been underestimated. Impacts on these species should be reassessed in light of any new survey data and at the population level. Impacts on Red Grouse and Golden Plover should also be assessed.

As stated, no Golden Plover nest sites were identified, and the birds may have been foraging away from their nest sites, failed breeding birds, or late passage birds. Due to this, it is unconfirmed whether there are any breeding pairs, and therefore there may be no territories. If they are breeding, it will be away from any proposed development, and therefore not an issue, as stated in the EIAR.

Impacts on invertebrates

Appendix 8.4 presents the results of an invertebrate walkover survey, conducted in Aug 2024. We share Buglife's concerns outlined in their objection letter dated 2nd April 2025 that as no targeted surveys for terrestrial or aquatic invertebrates were undertaken, there is inadequate information to determine impacts or inform mitigation.

Although there are a number of limitations with the survey as outlined in section 2.3.2 of the report, it recognises that the "PSH area's combination of upland freshwater systems and intact peatlands offers significant habitat value for a variety of invertebrate species."

Indeed, the proposed development site is a stronghold for the Azure Hawker dragonfly (vulnerable to extinction) and the Northern Emerald dragonfly (Appendix 8.5), and breeding sites would be lost within the inundation zone of Loch Fearna. It is proposed that eggs and larvae would be translocated to suitable nearby habitat (section 8.9.2 of the EIAR). The maps presented in Appendix 8.5 also show breeding sites adjacent to the SAR, but it is unclear how these would be protected from water quality impacts such as run-off and dust.

We refer to Buglife's objection letter dated 2nd April 2025 which states that, for Azure Hawker, the success of translocation measures is uncertain; and that after mitigation, the assessment for Azure Hawker is that there will be a long-term residual significant effect at regional level which is not acceptable for a species that is vulnerable to extinction.
The translocation proposals for Azure Hawker have been developed in consultation between our odonata specialist and the British Dragonfly Society.

Impacts on habitats and peat

Section 2.13.1 of the EIAR states that "It is estimated that the maximum permanent development footprint of the Proposed Development would be approximately 135ha" and that "During the construction period it is estimated that a further 20ha would be temporarily required which would be reinstated following completion of the construction works."

It is unclear why this differs to the overall predicted habitat losses across the proposed development area, presented in Table 8-14 (total permanent habitat loss, 129.10ha and total temporary habitat loss, 50.96ha, totalling 180.06ha.

This differs again in Appendix 8.7 Outline Biodiversity Enhancement and Management Plan, in which section 3.1 states 180.44ha of important habitat would be lost or temporarily affected.

The Peat Management Plan states that 478,427m^3 of peat would be excavated.

Blanket bog (incl. montane bog) and wet heath

Appendix 8.1a indicates that M17 blanket bog habitat occurs between 220 and 650m within the survey area. NatureScot guidance, states that montane bog (a type of blanket bog) occurs at about 600m. Table 8-14 states that there will be 54.93ha of M17 blanket bog permanently lost to the development (and an additional 7.75 temporarily lost). It does not state what proportion of this is over 600m in altitude and therefore considered montane bog.

Blanket bog is an Annex 1 habitat and M17 montane bog is a priority peatland habitat according to NatureScot guidance, stating that it is "a globally rare habitat therefore an important habitat" which developments should avoid[16]. Wet heath is another Annex 1 habitat that is an associated habitat to blanket bog will also be lost (52.42ha of wet heath (M15) permanently lost, with an additional 29.71ha temporarily lost). We also note that M1 and M3 bog pools are not included in these calculations, which are again, priority peatland habitats that should be avoided according to the guidance.

We note from Appendix 8.1a that M25a mire situated on deep peat (>50cm) qualifies as Annex 1 habitat 7130 Blanket bogs and M10 as Annex 1 7230 Alkaline fens and so are considered to be important at an international level. Any losses should therefore be included in any bog restoration ratio calculations as it is not clear if this has been done.

The aforementioned temporary habitat losses are predicted within the construction buffer zones due to drying, loss, modification, or disturbance of adjacent peatland and wetland habitats (section 8.7.4), and recognition of these impacts in the assessment are welcomed. Section 8.7.7 also states that heavy machinery can compact soils and peat making it difficult for native vegetation to recover and affecting water filtration, affecting drainage patterns and altering the native vegetation composition over time. We therefore question the temporary nature of

[16] Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot

these predicted habitat losses and strongly suggest that they should be considered as permanent habitat change in terms of the assessment.

At SC1, we note that much of the habitat loss is predicted to be temporary as the site would only be in use during the construction period, however section 8.7.17 states that "permanent losses of small area of habitats of conservation important[ce] (M6, M15, and M25), are predicted due to the timescales required for the reinstatement of these habitats following their complete removal." This is not reflected in Table 8-13 (Predicted Habitat Losses within the Main Site Compound) which show 0ha of permanent habitat loss. This should be updated.

We note that new tracks would be constructed using cut track techniques (2.4.75) but have been designed to be as shallow as possible with materials that don't require extensive peat excavation (Section 8.6 Mitigation by Design) and would be permeable to allow maintain water flow and quality (section 12.8.24). **We strongly suggest that floating tracks are used if at all possible, in areas of deep peat over 50cm to reduce impacts on the underlying peat.**

We note that peatland restoration is proposed to compensate for these losses, and our comments on this aspect of the proposal can be found in the Outline Biodiversity Enhancement and Management Plan section below. However, the storage and reuse of excavated peat should not be considered as mitigation or compensation for any loss as is described in section 8.6 of the EIAR (Mitigation by Design).

Caledonian pine forest and native broadleaf woodland

Native broadleaf woodland (W4, W11 and W17) and Caledonian pine wood (W18) fragments (part of the Glen Garry Caledonian Pinewood) would be directly impacted by the SAR and one of the construction compounds for a new bridge by the A87. Twelve parcels of ancient woodland are intercepted or are situated directly adjacent (within 50m) of the SAR (section 8.5.5).

Tables 8-12 and 8-14 highlight that only small areas of these habitats in total would be lost both permanently and temporarily, however Table 9.12 states a much larger area of 6.98ha of ancient woodland habitats and PAWS (including Upland Birchwood, Upland Oakwood and Native Pinewood Priority Habitats) would be lost.

We understand that to mitigate impacts, only trees directly in the SAR path would be felled and passing places would be micro-sited to avoid mature native trees (section 8.6 of the EIAR), ensuring an appropriate stand-off distance from their root protection zones is maintained (section 8.7.12). However, we note from Table 9-7 that approx. 167 native trees over 10cm diameter would need to be felled, and we question the appropriateness of this in light of their international importance as a habitat and in supporting rare and iconic Scottish species such as the Crossbill. We would emphasise that mature trees would be avoided and most of the affected trees would be small.

We note that woodland expansion and restoration are proposed to compensate for these losses but no clear commitments to hectarages have been made. We therefore are less confident in the conclusion in section 9.12.1 that the proposed

compensation and enhancement measures would "more than offset the predicted loss of both ancient woodland and non-native plantation forestry resulting from the Proposed Development". Our comments on this aspect of the proposal can be found in the Outline Biodiversity Enhancement and Management Plan section below.
The area of affected native woodland is 2.5ha, the proposed area of native tree regeneration and planting is 200ha.

Mitigation

Without prejudice to our position, any mitigation measures, including those outlined in sections 8.9, 10.9.3 – 10.9.7 and Table 10.7 Ornithological Mitigation should be secured by suitably worded conditions of any consent.

We do not agree with the statement in section 10.1.6 of the EIAR that "Once standard mitigation measures… are successfully implemented, there will be no residual effect from the construction or operational activity of the Proposed Development on any ornithological receptors within the area." As noted above, there would be residual effects which cannot be mitigated for.

In addition, we strongly recommend that **any construction activity at the PSH site should start after the Common Scoter breeding season ends and the birds have left Loch Fearna, and before they return to breed in April to avoid disturbing these Schedule 1 birds when breeding.** Although these birds are predicted to be permanently displaced by the construction, direct disturbance during the breeding season should still be avoided.

A Breeding Bird Protection Plan should be provided prior to determination.

In addition, the operational mitigation outlined in sections 10.9.8 and 10.9.9 describe monitoring. This is not mitigation, although what is proposed could inform any required mitigation.

We note monitoring is only proposed for 5 years into the operation period to inform mitigation going forward. This should include the impacts of changing loch levels on birds and aquatic invertebrates and should be carried out over a much longer period in order to be effective. We would also recommend continuing bird surveys during operation to establish the level of displacement from the proposal.
We are happy to commit to post-construction monitoring.

NPF4, Biodiversity Enhancement and the Outline Biodiversity Enhancement and Management Plan

NPF4 was adopted in February 2023, is now part of the Statutory Development Plan and sets out the Scottish Government's planning policy position and is a significant material consideration in decision making for energy consents applications.

Policy 3 Biodiversity requires developments to leave nature in a better state than before they took place. It states that, 'Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks so they are in a demonstrably

better state than without intervention'. It goes on to list a number of criteria which applicants must demonstrate they have met, including 'significant biodiversity enhancements are provided, **in addition to** (emphasis added) any proposed mitigation'.

Without prejudice to our above comments, we acknowledge the submission of an ambitious, landscape-scale Outline Biodiversity Enhancement and Management Plan (OBEMP) with the application (Appendix 8.7), and many of the proposed actions could be potentially very beneficial. However, the plan does not have sufficient detail to allow consideration of its feasibility and effectiveness in providing any proposed mitigation and/or compensation and Biodiversity Enhancement. As noted above, an appropriate assessment is required under the Habitats Regulations in relation to West Inverness-shire Lochs SPA and this cannot consider compensation or Biodiversity Enhancement measures. Notwithstanding this, we have sought to make comment on the plan itself, without prejudice to reasons for objection. We believe many measures could be maximised further, and some proposals with regards to Common Scoter have already been implemented by The West Inverness Glens Nature Restoration Project and RSPB Scotland or are not feasible to deliver. Comments are made below on the available information, with recommendations for improving the plan.

General comments

1. Commitments should include employment of a full-time project management team to deliver this ambitious, complex plan.
2. We note the OBEMP has a 30-year duration. We strongly recommend it be in perpetuity as that is the proposed lifetime of the proposed development. Many of the proposed actions such as peatland restoration and native woodland creation and restoration will take more than 30 years to confirm functionality of the restored habitats.
   We are happy to continue management of the BEMP for the lifetime of the proposed development.
3. Table 3-1 of the OBEMP quotes different hectarages of habitats to be lost compared to the calculations provided in Chapter 8. This should be updated and finalised before consent.
4. Section 8.11.4 of the EIAR states that reptile refugia would be created and section 8.11.9 states pollinator habitats would be established by planting native flowering plants and installing bee hotels within the Main Site Compound area and along the SAR verges for biodiversity enhancement purposes, however, these actions are not mentioned in the OBEMP. Any pollinator habitat creation should be based on the floral species lost by the development and other species local to the site.
5. We welcome the invite onto any BEMP working group as outlined in section 4.

Bog Restoration (Objective 1.1)

We note that 1317ha of actionable (restorable) peatland has been identified across East and West Glenquoich Estates and FLS Glengarry Forest. However, the 511ha identified within FLS's landholding is only proposed to be taken forward as there are

fewer access and deer density issues so it would be easier to deliver (section 3.3.1 of the OBEMP and 8.11.3 of the EIAR). This figure differs from the 640ha figure stated in Table 5-2 and in section 5.3.1 and 5.5.1 of the OBEMP, which we understand to be the overall goal.
The commitment is to take forward 640ha of peatland restoration from within the 1317ha identified as suitable.

NatureScot guidance[17] on development on peatland outlines recommendations for compensation and enhancement in line with Policy 3 of NPF4. In relation to peatland, the NatureScot guidance states, 'that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost:restored)' plus 'an additional 10% of the baseline assessment of the extent of priority peatland habitat for biodiversity enhancement'.

A 640ha restoration total would be in the right ballpark for compensation but would not meet the recommendations for the additional 10% enhancement.
The OBEMP is offering an overall package, not one based on metrics. Whilst the 640ha of peatland restoration meets the 1:10 ratio, other offerings are at different ratios in excess of the offsetting, e.g. woodland restoration / creation is at a ratio of 1:80.

We would strongly recommend maximising the restoration area proposed, and ensuring the 'temporary' predicted habitat losses are included in any offsetting action. This is because most of the blanket bog habitats recorded on site were in good condition, M17 montane bog habitat over 600m that is present is globally rare and M1/M3 bog pools indicate priority peatland, and NatureScot recommends developments completely avoid impacting these habitats. Since 1317ha of potential restoration has been identified, this entire area should be restored to ensure significant biodiversity enhancement, following compensation.
See above.

We note that any peatland restoration on the East and West Glen Quoich estates will need monitoring to determine the long-term efficacy of the restoration and herbivore impact (section 5.5.1). Deer management is discussed further below, and we would strongly recommend commitments secured on these estates to lower deer numbers.
Peatland restoration has recently been successfully carried out within West Glenquoich Estate through Peatland Action, and our peatland restoration specialist consultants advise that deer numbers are acceptable for further restoration, albeit there is a plan to reduce deer numbers too.

Appendix 8.7.1.2 presents a drone survey to indicate where excavated peat could be used in restoration. We strongly recommend advice be sought from PeatlandACTION with regards to the effectiveness of such methods.
Our proposals have been informed by advice from a specialist peatland restoration consultant in conjunction with a specialist peatland restoration contractor.

Lastly, we note that the OBEMP states that SSE land at Loch Quoich could be restored with excavated peat from the PSH, subject to control of deer impacts. The OBEMP states that the sites are above normal high-water levels but below spill level.

[17] NatureScot (2023) Advising on peatland, carbon-rich soils and priority peatland habitats in development management https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management#Enhancement

This seems a risky option as excavated peat could be washed away in extreme flood events.
We believe that these areas were degraded / eroded during the earlier operation of the Quoich reservoir. The modern (since 2016) operation of the scheme maintains a lower water level in order to accommodate more storage for flood events, so inundation of these areas has reduced from a relatively frequent event to the "extreme event" referenced above. We believe that properly designed and implemented restoration will be able to withstand occasional inundation.

Bog Pool Creation/Restoration (Objective 1.2)

This objective appears to be compensation for loss of bog pools, especially those that support rare breeding dragonflies, rather than enhancement. It has not been identified where these new bog pools would be located or how they would be created (i.e. by scraping away vegetation or through drain blocking).

In addition, there is a level of uncertainty as to whether translocation of rare dragonfly larvae is effective. Section 5.5.2 states further survey and consultation is needed.
The bog pool restoration and translocation has been discussed between our specialist terrestrial ecology consultants and the British Dragonfly Society, who have endorsed the proposed approach and offered to be involved in assisting with the next stage of preparation of the BEMP.

Deer Exclosure/Culling: Woodland Creation/Restoration (Objectives 2.1, 2.2, 2.3, 3.1, 4.2)

Table 5-1 states that because 25ha of forestry and woodland is to be lost (which we assume includes 2.53ha of native woodland, section 5.3.2), compensatory planting of an equivalent area is required and 100ha of native woodland restoration is proposed. However, the executive summary and section 5.5.3 say that no less than 200ha will be delivered, and Table 5-2 makes no hectarage commitment at all. Chapter 9 assumes there would be 100ha of woodland restoration and another 100ha of woodland creation. It is therefore unclear exactly what is being proposed and what would count as compensation and what the Applicant is proposing as Biodiversity Enhancement in line with NPF4.

We are generally supportive of the proposed woodland creation and restoration zones as follows:

- East Glenquoich – riparian areas along the Gearr Garry and River Kingie would have deer exclusion fences installed to include the ancient woodland remnants and space for natural regeneration.
- West Glenquoich – on the northern shore of Loch Quoich removal of rhododendron is proposed along with native woodland creation and restoration of existing woodland remnants in enclosures.
- FLS Glengarry – 171ha of woodland creation would be focused on the riparian zones of the River Garry, Loch Poulary, Loch Garry and its tributaries as well as an additional 31.8ha of Caledonian Pine restoration around the Allt Garaidh Ghualaich (or 27.2ha according to section 8.11.6 of the EIAR).

Although we welcome the principle of woodland creation and restoration in these

areas, we note that exact coverage and feasibility of restoration has not been through a scoping assessment of restoration suitability and nor has an assessment of the condition of existing woodlands been conducted. As mentioned above, this level of detail is required in order to ensure effective compensation and biodiversity enhancement, and this needs to be done prior to determination, not post consent as indicated in section 3.3.2. For example, there is an overlap of a riparian woodland creation area (Figure 8.7.1) with the Beinn Bheag wind farm site boundary, therefore, it is unclear if this would be possible to deliver.
There is no shortage of opportunities to restore / create the 200ha of native woodland, with areas totalling over 500ha of potentially suitable opportunities having been identified. We are happy for the final distribution of the woodland to be covered by a consent condition.

In addition, final designs should take into account breeding birds and avoid sensitive breeding areas such as Lochan an Staic and sections of the River Garry. RSPB Scotland would be happy to advise.
The planting around Lochan an Staic was included at the suggestion of the RSPB. We would be happy to substitute this for a different area if this is now considered unsuitable.

With regards to Objective 3.1 (Reduction of deer numbers within FLS holdings to 4 deer/km^2 to provide benefits to upland habitats), the OEBMP states that in the next 6-36 months FLS are planning new fencing and culling, subject to funding at their Glengarry landholding. This would be delivered before construction commences. Despite this being delivered ahead of the development proposal being determined, it appears that the Applicant is incorporating this work into the OBEMP. Although this may be useful contextual information it should not be considered enhancement resulting from the development.
FLS have advised that they will be doing ongoing repairs to their fences only, due to budget constraints. The Applicant agreed that new fencing projects can be done by Fearna post-FID to support the BNG measures proposed.

Section 5.3.2 suggests that the deer exclusion and culling will restore 310ha of open moorland to offset direct loss of the following Annex 1 habitats: 82.13ha of Northern Atlantic wet heaths, 1.83ha of European dry heath, and 21.11ha of upland flushes, fens, and swamps from the construction of the development. In addition, Table 5-2 makes no hectarage commitment for heathland restoration and lists FLS's deer management as an OBEMP objective. This should not be counted as compensation nor enhancement as it would be delivered with or without the development. Additional areas of upland habitats should be selected to offset these habitat losses via increased deer management targets.

We note that the other estates (East and West Glenquoich) will have localised deer fencing around the woodland restoration areas (section 5.3.2), as deer densities are not proposed to be reduced. In order to ensure effective biodiversity enhancement, deer management to reduce densities needs to be wider than just the FLS landholding, especially as effective heathland restoration proposed as compensation will require reduced deer densities.
There is no intention to reduce deer densities in the Glenquoich estates to that needed for woodland regeneration and creation to be effective – this is proposed

within fenced exclosures. We understand from our peatland consultants that the current deer densities are acceptable for peatland restoration under the Peatland Code.

We would strongly recommend working with these landholdings to commit to reducing the deer densities in order to aid wider restoration efforts. We understand current densities are 9.5 deer/km² and 7.2 deer/km². NatureScot recommend less than 5 deer/km for low risks to peatland restoration areas[18].

Lastly, we note that new fencing on FLS land will be marked to reduce bird collision risk (section 5.5.3) which is welcomed but should be extended to all fenced areas. This will be installed on all new fences as appropriate.

Common Scoter Habitat Restoration (Objective 4.1)

Table 5-1 suggests that this action is compensatory rather than enhancement, due to the loss of suitable habitat within and surrounding Loch Fearna. It also states that this action would represent significant enhancement for Common Scoter beyond the necessary compensation. The Shadow HRA states that impacts on the Loch Fearna scoter pair cannot be mitigated, and compensation cannot be considered at the appropriate assessment stage. The mitigation hierarchy should be followed, and the Applicant needs to clearly set out what measures are proposed as mitigation, compensation and enhancement.
See comments on section on Mitigation, Compensation and Biodiversity Enhancement above.

Notwithstanding these important issues, as discussed in Annex 1 of this letter, although the proposal of habitat restoration for scoter is welcomed in principle, any positive effects on Common Scoter would be many years down the line and likely too late for the pair at Loch Fearna to experience any benefit.

In addition, it appears that the type and location of habitat restoration is yet to be decided, and section 5.5.4 states "exact locations, scale, and appropriate management prescriptions being determined through further survey and consultation with the RSPB." Although we appreciate the intention to consult with us, the initial habitat locations do not seem ideal, Table 5-1 states that potential restoration sites have been identified at Kingie Pool, Loch Poulary, and Lochan an Staic, whereas section 3.3.2 of the OEBMP states that further habitat survey is also needed to identify suitable Common Scoter habitat at Loch Poulary and the River Garry to help define woodland creation along this corridor. Section 5.5.4 adds Loch Garry to this list of sites. However, Common Scoter have either never been recorded or have not been known to use these sites in many years. We would recommend actions focus on sites where Common Scoter currently breed, in addition to wider landscape restoration.
See comments on section on Mitigation, Compensation and Biodiversity Enhancement above.

Section 3.3.3 states that breeding habitat restoration/creation would focus on heathland restoration with sparse willow and wet woodland cover with locations to be determined through further consultation with RSPB Scotland. This information is not stated anywhere else.

[18] https://www.nature.scot/doc/peatland-action-assessing-herbivore-impact-peatland-action-applications

Although we would be willing to discuss proposals with the developer, and have met with them already, sufficient detail is required prior to determination, and it remains the Applicant's responsibility to do this.

Permanent Pool Creation within Loch Loyne Drawdown (Objective 4.3)

The creation of permanent waterbodies within the drawdown zone at the western end of Loch Loyne is proposed to increase survival of invertebrates as a food source for Common Scoter as well as erosion protection for their breeding islands on the loch. Section 5.3.2 states that this, "would aid in mitigating the loss of this suitable foraging site [Loch Fearna] and enhance foraging provisioning overall." Again, this is not mitigation, and the Shadow HRA states that impacts on the Loch Fearna scoter pair cannot be mitigated. The loch is used for breeding not just foraging as stated in the OBEMP.
There is evidence since surveying of scoter at Loch Fearna started in 2022 that they have not bred successfully there. That's not to say that they could not, but they have not, for whatever reason, during the period that they have been observed there. The shadow HRA states that the impacts in the Loch Fearna scoter pair cannot be mitigated at Loch Fearna, but they can be mitigated locally elsewhere, for example at Loch Loyne which it is accepted is functionally connected to Loch Fearna.

As explained in Annex 1, since RSPB Scotland discussed this action with the Applicant, the West Inverness Glens Nature Restoration Project have had a feasibility study undertaken by aquatic engineers with regards to this conservation measure.

This unfortunately showed that it would not be possible to deliver due to the peat erosion caused by the rapid and extreme drawdown impacts at the west end of the loch, causing scoter breeding islands to be undercut and liquefaction of the peat resulting in no firm substate for aquatic invertebrates to reside within any pool creation area.
The consultant's report was only passed to the Applicant after the S36 application had been submitted – prior to this we had been pointed by the RSPB at the option to create permanent waterbodies within the Loch Loyne drawdown. We are happy to contribute to the works identified by the RSPB's consultants as outlined in our comments on the section on Mitigation, Compensation and Biodiversity Enhancement above.

The West Inverness Glens Nature Restoration Project are now investigating the creation of a bund part-way along the loch to stabilise the west end of the loch. We would be happy to discuss the delivery of such a measure further with the Applicant.
See above.

Common Scoter Nesting Island Installation (Objective 5.1)

Table 5-1 states that diver and scoter rafts would be installed at Kingie Pool, Loch Poulary, Lochan an Staic, Loch Garry, Loch Loyne, Lochan Bad a Losguin and Lochan Dubha and carried out in consultation with RSPB. Section 5.3.2 states that nesting rafts would represent significant enhancement.

This is not the case as most of these waterbodies already have diver rafts installed, many of which are successfully used by both diver species. Many of the aforementioned sites that do not have rafts would not be suitable.

RSPB Scotland has also already installed trial rafts for breeding Common Scoter at Lochs Garry and Loyne. Unfortunately, these have not been found to be effective for this species and are not recommended.
We remain happy to install rafts for divers at locations deemed suitable by the RSPB diver nesting raft project.

Optimisation of River Kingie Smolt Trapping (Objective 4.5)

No comments.

Dragonfly Larvae Translocation Programme (Objective 6.1)

We refer to Buglife's objection letter dated 2nd April 2025, which explains that the proposal will directly destroy breeding and foraging habitat for Azure Hawker and Northern Emerald through the construction phase and due to edge effects, and the success of mitigation measures such as peatland restoration and translocation of larvae to newly to created/restored bog pools or suitable nearby habitat is uncertain. We note locations would be finalised after further surveys (section 8.11.5 of the EIAR) but this level of detail is required prior to any consent.

INNS Rhododendron Control (Objective 7.1)

We agree that >100ha of rhododendron control proposed would be beneficial (Table 5-2) and this should be committed to.

Habitat Reinstatement (Objective 8.1)

Reinstatement of habitats following construction should not be considered as enhancement. NatureScot guidance[19] states "It should be noted that a proposal for the re-use of peat on-site as a backfill material is not an effective mitigation or enhancement practice of carbon-rich soil and functional peatland. The reinstatement of general earthworks and excavated areas with layers of re-used peat, even if respecting the structure of acrotelm/catotelm, is not by itself sufficient to achieve functional peatland habitats or protect from further degradation to soil carbon stocks, as such it cannot be considered as offsetting or enhancement."
It is agreed that habitat reinstatement following construction is not enhancement. It is however a beneficial use of peat on site, rather than this material becoming waste.

Artificial Nest/Roost Boxes (Objective 9.1)

The 15 bat boxes and 5 dipper/wagtail boxes proposed are likely to be positive measures.

Monitoring

We note the proposed monitoring within the OBEMP and section 8.12 of the EIAR, and that many monitoring actions would end after five or ten years. Many of the objectives outlined above would need monitoring for a much longer period of time to

[19] Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot

ensure effectiveness and inform any adaptions to measures.