

SFCC: Position Paper

Proposed Loch Kemp Pumped Storage Hydro Scheme

Stratherrick and Foyers Community Council

7th February 2024

Stratherrick and Foyers Community Council has grave concerns about the proposed Loch Kemp Pumped Storage Hydro Scheme. This is based on our assessment of the project and also reflects the balance of comments the Council has received from across the community.

1 How Can I Voice My Opinion?

- Make representation outlining your opinion to the organisations and individuals that will decide whether this scheme will be permitted.
- Most weight is likely to be given to individual, well reasoned arguments which are based on valid planning concerns. The Highland Council provides useful guidance on making comments¹.
To help further, a collation of the responses raised by the Community is **below in Section 2**. You can pick those that are most important to you. You can also add your own.
- Note that:-
 - time is short: the first deadline for comments is **Friday 23rd February**
 - multiple representations from the same address are considered as a single response
 - online petitions with multiple signatories are considered as a single response
- Representation can be made to:-
 - Scottish Government Energy Consents Unit (ECU)
The Application reference is ECU00003398. Note that the deadline for making representations is Friday 23rd February, 2024.
Email: representations@gov.scot
Website: <https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00003398>
Post:
Energy Consents Unit
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU
 - Highland Council
The Application reference is 23/06025/S36. Note that the deadline for making representations is Friday 1st March, 2024.

¹https://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/143/planning_permission/5

- * Planning Department
 - Website:** <https://wam.highland.gov.uk/wam/applicationDetails.do?activeTab=summary&keyVal=S6QGDVIH0JS00>
 - Post:**
 - The Highland Council Planning Department
 - Glenurquhart Road
 - Inverness
 - IV3 5NX
- * Ward Councillors
 - Chris Ballance:** Chris.Ballance.cllr@highland.gov.uk
 - David Fraser:** david.fraser.cllr@highland.gov.uk
 - Emma Knox:** emma.knox.cllr@highland.gov.uk
 - Helen Crawford:** Helen.Crawford.cllr@highland.gov.uk
- MSPs
 - * Constituency
 - Kate Forbes:** Kate.Forbes.msp@parliament.scot
 - * Regional
 - Ariane Burgess:** Ariane.Burgess.msp@parliament.scot
 - Donald Cameron:** Donald.Cameron.msp@parliament.scot
 - Jamie Halcro Johnston:** Jamie.HalcroJohnston.msp@parliament.scot
 - Edward Mountain:** Edward.Mountain.msp@parliament.scot
 - Emma Roddick:** emma.roddick.msp@parliament.scot
 - Douglas Ross:** Douglas.Ross.msp@parliament.scot
- MP
 - Drew Hendry:** drew.hendry.mp@parliament.uk
- Statera Energy
 - Email:** atroup@stateraenergy.co.uk
- Dell Estate
 - Email:** jeremy@finnis.com

2 Community Responses

The Community Council has collected the following responses about the proposed scheme. The list is not exhaustive and you may well be able to add your own, which will strengthen the case made by your representation.

2.1 Public Consultation

- The consultation was deficient. Many people in the local community were still unaware of the proposals when the application was submitted.
- The scheme proposed is significantly larger (600MW verses 300MW, dam height increased from 28m to 34m, 2 surge shafts, larger site boundary, visitor facility. . .) than that proposed at the scoping stage.
- Some documents, particularly those relating to protected species, have not been published and are not available for scrutiny.

2.2 Environmental Impact Assessment (EIA)

- In general the tone is dismissive. Items are 'scoped out' or judged as 'insignificant' or 'minor' without adequate justification.
- Some Desk Surveys performed are inadequate with apparent selection bias:-
 - The area of the proposed development is not routinely surveyed by national organisations. Using the absence of records in online databases as evidence that species are absent is likely to produce significant false negatives.
 - The available databases have not always been used where they *do* contain records for the area of the proposed development.
- Not all significant species known to breed within the proposed development have been recorded and considered. This calls into doubt the quality and completeness of the survey work that has been conducted.

Dell Estate website advertises the wildlife present:

The range of bird life is very wide. Slavonian Grebe and Divers are specialties, while Osprey, Golden Eagle, Peregrine, Merlin, Red and Black Grouse, Ptarmigan, Ring Ouzel, Crested Tit, Crossbill, Siskin, Redpoll and many others are regulars. There is a Black Grouse Lek on the way to our high ground, with up to 20 displaying males. You will also hear our resident owls hooting round the lodge if you come in spring, and you might glimpse a ghostly wraith-like Barn Owl hunting for voles down below the farm. Recent arrivals in the area are Red Kites and visiting Sea Eagles.

If you are quiet and lucky, you will see one of the many otters that live in this area, especially at dawn or dusk. Red Squirrels visit the garden regularly, especially if you keep the nut feeder stocked. Red, Roe and Sika deer are all common on the estate, and you would be very unlucky not to see all of them during your stay. There are Pine Martens in our forestry plantation - Whitebridge Woods.²

- Some areas of the proposed development have not been surveyed because of difficult (but not impossible) access. However, those areas are precisely where rare and protected species are likely to seek refuge from human disturbance.

2.2.1 Ornithology

- Appendix 11.4: Confidential Appendix of Sensitive Bird Records has not been published so its findings are not open to scrutiny or comment³.
- The list of breeding birds found by survey is deficient.

Table 1: Comparison of Surveyed Ornithological Status at Scoping and Planning Stages

Species	Conservation	Scoping Status (2021)	Planning Territories (2022-3)
Barn swallow	Amber	Probable	
Blackbird		Probable	
Blackcap		Probable	
Blue tit		Probable	
Bullfinch	Amber	Probable	2
Buzzard		Confirmed	
Chaffinch		Probable	
Chiffchaff		Probable	
Coal tit		Probable	
Common crossbill	Schedule 1	Probable	

Continued on next page

²<http://www.dellestate.com/wildlife> (retrieved 25 January 2024)

³A copy has been requested under a Freedom of Information Request from the ECU. Ref: 202400395092

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		(2021)	(2022-3)
Common gull	Amber	Possible	
Common redstart	Amber		1
Common sandpiper	Amber	Confirmed	2
Common snipe	Amber	Confirmed	2
Cormorant		Probable	
Cuckoo	Red	Probable	3
Dipper	Amber ⁴	Probable	
Duncock	Amber	Probable	
Goldcrest		Probable	
Golden eagle	Annex 1; Schedule 1	Confirmed	
Golden plover	Amber	Possible	
Goosander		Probable	
Grasshopper warbler	Red	Probable	3
Great tit		Probable	
Grey wagtail	Red	Probable	2
Greylag goose	Amber	Possible	Present
Hooded crow		Probable	
Jay		Probable	
Kestrel	Amber	Confirmed	1
Lesser redpoll	Red	Probable	
Long-tailed tit		Probable	
Mallard	Amber	Confirmed	1
Meadow pipit	Amber	Confirmed	48
Mistle thrush	Red	Probable	5 ⁵
Osprey	Amber; Schedule 1	Possible	
Pheasant		Introduced	
Pied wagtail		Confirmed	
Raven		Probable	
Red grouse	Amber	Probable	
Red kite	Schedule 1	Probable	
Red-breasted merganser		Probable	
Red-legged partridge		Introduced	
Reed bunting	Amber	Probable	1
Robin		Probable	
Sand martin		Probable	
Sedge warbler	Amber	Probable	1
Siskin		Probable	
Skylark	Red	Confirmed	30
Song thrush	Amber	Probable	6
Sparrowhawk	Green	Probable	
Stonechat		Probable	
Teal	Amber		1
Tree pipit	Red	Probable	24
Twite	Red	Probable	
Wheatear	Amber ⁶	Probable	
Whinchat	Red		2
Wigeon	Amber	Probable	
Willow warbler	Amber	Probable	60
Woodpigeon		Probable	7
Wren	Amber	Confirmed	12
Yellowhammer	Red	Probable	
TOTALS: 61	35 (57%)	58 (95%)	22 (36%)

- The planning stage surveys recorded only 36% of the total species identified at the scoping stage.
- Only 3 new species were discovered by planning stage surveys (Common Redstart, Teal, Whinchat).
- 57% of the identified species are Conservation priorities.
- Even the scoping stage list is deficient. Compare it with the quote from the [Dell Estate Website](#): missing Divers, Slavonian Grebe, Crested Tit, Black Grouse, Ring Ouzel. . .

The following conservation priority species known to be present by local observers but missed by all the surveys

Species	Conservation Status	Breeding Status
Black-throated Diver	Amber	Passage
Red-throated Diver		Passage
Slavonian Grebe	Red	Passage
Woodcock	Red	Confirmed
Goldeneye	Red	Winter
Whooper Swan	Amber	Passage/Winter
Black Grouse	Red	Confirmed
Lapwing	Red	Confirmed
Curlew	Red	Probable
Spotted Flycatcher	Red	Confirmed

And there are real rarities: Eagle Owl has been recorded for the past few years in Whitebridge Plantation, and the Highlands Records Committee had reports of Rough-legged Buzzard and Red-backed Shrike from Whitebridge in 2023.

- No consideration of overwintering species. For example:-
 - Whooper Swan
 - Goldeneye
- No consideration of the site's significance as a stopover on migration pathways along Great Glen. For example:-
 Slavonian Grebe: Moray Firth Loch Ruthven Loch Kemp Loch Knockie

2.2.2 Terrestrial Ecology

- The detailed surveys for all protected Terrestrial species have been labelled confidential and are not available on the ECU website⁷
- Lichen surveys reveal previously unrecognised richness which exceeds SSSI quality:-
 - 83 notable species of lichens
 - 14 UK Red-List Lichens
 - 31 Boreal Woodland Index (BWI) lichen species (SSSI threshold is 15)
 - 32 Sub-oceanic Woodland Index (SWI) lichen species (SSSI threshold is 20)
 - 9 Pinhead lichen species with a note that surveys focused on hazel and further surveys of richer veteran birch would likely reach the SSSI threshold of 10.
 - Outstanding populations of *Nevesia sampaiana* and *Parmeliella testacea* qualify the site for SSSI status
 - Lichen on old-growth hazel habitat is assessed as being of 'international value'

⁴Not identified as such

⁵Incorrectly identified as Amber Conservation status

⁶Not identified as such

⁷Volume 4 - Appendix 10.1 - Terrestrial Ecology Report: Baseline Conditions. Requested from ECU

- All 3 surveyed watercourses exceed the threshold for SSSI designation for Freshwater Lichens with a number of very rare species still awaiting confirmed identification.
- Freshwater Lichens on Loch Kemp Rocky Shore exceed the threshold for SSSI designation
- The residual effects on terrestrial and freshwater lichens reported by the developer are unacceptable.

Such changes are expected to destroy these lichen communities which currently experience occasional and often slow changes in water levels of tens of centimetres only. Large draw down zones in lakes and reservoirs do not support diverse freshwater lichen assemblages due to the rapidly changing conditions which the lichens cannot adapt to⁸

The heathland habitat in the proposed inundation zone around Loch Kemp was also assessed as being of national value for lichens. This habitat would be permanently lost, as frequent inundation is expected to kill off the existing flora. Loss of the heathland lichen assemblage within the inundation zone is assessed as constituting a permanent adverse effect, which is significant at the national level⁹.

The Proposed Development would result in a significant residual negative effects including: the loss / fragmentation of ancient woodland qualifying interest habitat within Ness Woods SAC / Easter Ness Forest SSSI at the international level (including the associated lichen and bryophyte communities), loss of blanket bog at the regional level, loss of wet modified bog, dwarf shrub heath, native broad-leaved woodland (outwith Ness Woods SAC) and long-established woodland of plantation origin at the local level, and the loss of lichen communities on the rocky shore and moorland surrounding Loch Kemp at the national level. [. . .] Compensatory measures are not expected to fully offset the loss of the rocky shore lichen assemblage at Loch Kemp¹⁰.

- The developer admits there is considerable uncertainty that freshwater lichen translocation would succeed. Without certainty, the proposed mitigations are inadequate and there is high risk that the prevalence of high and very high value lichens would be lost if the development were allowed.
- It is common knowledge (local observers, Dell Estate staff) that water voles exist around Loch Cluanie. However, they have been 'scoped out' of further consideration.
- There has been no detailed assessment of the species of reptiles, insects or fungi within the site or its environs.

There are populations of both Slow Worm and Common Lizard within the site boundary. Both species are Protected under Wildlife and Countryside Act, 1981 and contained on the Biodiversity Action Plan UK list of priority species.

2.2.3 Aquatic Ecology

- Ness District Salmon Fishery Board has done good work describing the detrimental effects on Salmonids. SFCC shares their concerns.
- Loch Ness also supports a large population of eels which are protected.
- The plans propose to use fish screens which are only designed to protect salmonids. It is conceded that elvers would not be able to resist the flow.

Evidence is available that the proposed mitigation for eels (lights and bubble curtains) will be ineffective and the 'sufficient burst speed' premise used by the applicant is invalid in the first place:-

Burst speeds can only be sustained for short periods (20 seconds). So it will not be appropriate to use burst speeds in intake design: an eel may not be able to find a bywash within this time:¹¹

⁸Volume 4 - Appendix 10.1 - Terrestrial Ecology Report: 10.8.82

⁹Volume 4 - Appendix 10.1 - Terrestrial Ecology Report: 10.8.83

¹⁰Volume 4 - Appendix 10.1 - Terrestrial Ecology Report: 10.14.4

¹¹Sheridan, S., Turnpenny, A., Horsfield, R., Solomon, D., Bamford, D., Bayliss, B., Coates, S., Dolben, I., Frear, P., Hazard, E., Tavner, I., Trudgill, N., Wright, R., & Aprahamian, M. (2013). Screening at intakes and outfalls: measures to protect eel (*Anguilla anguilla*). *International Fish Screening Techniques*, 17–30. <https://doi.org/10.2495/978-1-84564-849-7/002>

bubble curtains – this most basic behavioural barrier provides relatively poor protection but is sometimes useful as a temporary measure;¹²

- Electrofishing surveys were not performed in Loch Kemp. Alternative and better non-destructive techniques (eDNA) were not utilised either. Instead, unattributed 'existing records' are quoted. eDNA could and should have been used. Baseline Fish species in Loch Kemp and elsewhere have not been adequately surveyed.
- Water Invertebrates¹³
 - Samples were taken in July to September. Ideally samples should also be taken in the spring. In many Highland lochs the diversity of invertebrates present in samples decreases in samples taken in July to August as aquatic insects emerge and are therefore absent or in the eggs stage over this period.
 - Rapid fluctuation of water levels particularly damaging. 'Sterilises' the shoreline with consequential effects on other species feeding on the invertebrates
 - Samples were only taken from three locations adjacent to the proposed on-shore works at Loch Ness, despite the expected water level fluctuations acting across the whole loch. The approach taken in the ES risks missing effects in marginal habitats elsewhere in the loch. This would be a particular problem in shallower bays where the fluctuations would lead to a greater area of the littoral zone being exposed.
 - The analysis of the loch invertebrate data primarily uses the Biological Monitoring Working Party (BMWP) score to assess 'biological quality'. The BMWP score was designed to reflect the tolerance of benthic macroinvertebrates to organic pollution. Taxa recorded in field surveys are allocated a score between 1 and 10 representing their tolerance to organic enrichment. Taxa that are tolerant of organic enrichment receive lower scores than those that are less tolerant. The BMWP score does not take any account of the abundance of the taxa at the site. A more appropriate index would be the Walley Hawkes Paisley Trigg (WHPT) score. This index includes more families of freshwater invertebrates, particularly Diptera, and is also weighted depending on the abundance of the taxa in the sample. It can therefore identify more subtle differences in invertebrate communities and changes due to pressures other than organic enrichment.

2.2.4 Water and Hydrology

- Although the stop pumping and stop discharge levels proposed for inclusion in the SEPA Controlled Activities Regulations (CAR) license would prevent extreme variations in the level of Loch Ness, the character of the variations would change with unknown consequences. At present the level varies on a seasonal basis. Pumped Hydro causes much faster variation over minutes to a few hours. Foyers already contributes to this effect. Adding 2 more Pumped Storage schemes using the same lower reservoir will increase the rapid variation to the detriment of shoreline ecology¹⁴.
- Loch Kemp's proposed stop pumping level (like Red John) would be higher than for Foyers. That means that the operation of Loch Kemp could often be curtailed and the project will not necessarily be able to achieve its stated or design capacity in terms of storage or output.

2.2.5 Trees, Woodlands and Forestry

- There is no consideration of the impact on Juniper, a species which is in decline and included in the Biodiversity Action Plan UK list of priority species.
- The proposal would result in the destruction of further areas listed in the Ancient Woodland Inventory (AWI) as Ancient Woodland of semi-natural origin and Long-Established Woodland of Plantation Origin.

National Planning Framework 4 (NPF4) states

- Policy 6b)

Development proposals will not be supported where they will result in:

¹² *ibid*

¹³ Email forwarded from Craig Macadam via Brian Shaw (NDSFB)

¹⁴ See [Aquatic Ecology](#)

- * i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
- * ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
- * iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
- * iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

Ancient woodland is defined as

Land that has maintained continuous woodland habitat since at least 1750

- Ness Woods SAC is Ancient Woodland (of semi-natural origin).
- Whitebridge Plantation is Long-established Woodland of Plantation Origin.

NatureScot definitions¹⁵

- i. Ancient Woodland (1a and 2a)
Interpreted as semi-natural woodland from maps of 1750 (1a) or 1860 (2a) and continuously wooded to the present day. If planted with non-native species during the 20th century they are referred to as Plantations on Ancient Woodland Sites (PAWS).
 - ii. Long-established woodlands of plantation origin (LEPO) (1b and 2b)
Interpreted as plantation from maps of 1750 (1b1) or 1860 (2b) and continuously wooded since. Many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient Woodland.
- Dell Estate has already failed to replant some of Whitebridge Plantation, as required and identified in Scoping Report.

There is no formal Long Term Forest Plan in place for the Plantation, but commercial woodlands are dynamic environments that change frequently through regular thinning and rotational felling followed by restocking. There is a current Felling Licence (FLA01500) covering much of the Plantation which expired on 16th December 2021. The Licence includes an obligation to restock 15.3 ha of felled land by 30th June 2023.
 - The lifetime of the project (a lease of 75 years with an additional option of 25) is insufficient for any trees planted in mitigation to recover the current condition. The growing season in Northern Scotland is short and there would be a extremely long recovery time, if at all.

2.2.6 Land Use and Recreation

- Destruction of the Allt Breineag bridge in June 2023 mean that users of the South Loch Ness Trail have to divert for 3km along the B862. The Recreational Use section is out of date and needs reconsideration in the light of this¹⁶.
- Users of the Core Path between Dell Lodge and Foyers (IN25.01) would be significantly affected both by the proposed development and even more so by the Switching Substation related development.

2.2.7 Roads

- The baseline road traffic data is not credible. For example:

¹⁵<https://www.nature.scot/doc/guide-understanding-scottish-ancient-woodland-inventory-awi>

¹⁶See further comments in [Roads](#)

Table 2: Extracted from Table 16.4 Existing Traffic Conditions (Weekday average Two Way Flows)

Location	Source	Cars & LGVs	HGV	Total
B862, south of Holm Roundabout	ATC	2009	355	2364
B862, Dores	ATC	312	104	416
B852, Bailebeag	ATC	270	67	337
B851, Inverarnie	'planning documents'	908	246	1154
B862, north of Errogie	'planning documents'	489	204	692
B862, at Site access	'planning documents'	579	186	765

The ATC road surveys were conducted over a seven-day period between 5th and 11th July 2022. The data sourced from 'planning documents' dates from 2019. However, no further details of that source are given. It appears to be unreliable:-

- The flows from the 'planning documents' are suspiciously elevated compared to ATC. They imply a baseline of approximately 10 HGVs/hour through Whitebridge continuously for 18 hours of the day. Even higher for Errogie and Inverarnie. These baselines deviate significantly from local experience. Abnormally elevated baselines reduce the *apparent* impact of the proposed development by reducing the percentage increase attributed to it.
- The theoretical capacity data is not credible. For example:

Table 3: Extracted from Table 16.9: 2025 Link Capacity Review (12-hour period)

Location	2025 Baseline Flow	2025 Base + Development	Theoretical Capacity	Spare Road Capacity %
B862, south of Holm Roundabout	2451	2599	21600	87.97%
B862, Dores	431	564	3360	83.22%
B852, Bailebeag	349	364	3360	89.16%
B851, Inverarnie	1197	1325	21600	93.87%
B862, north of Errogie	718	979	3360	70.87%
B862, at Site access	793	1177	19200	93.87%

- How can the capacity of the B851 in Inverarnie (single track with passing places) be the same as the B862 south of Holm Roundabout?
- Even if this data were credible, the B862 road capacity has been calculated at the site entrance where it is single-carriageway in both directions. More significant would be at the nearest section of single track with passing places: i.e at Compass, 2.1km to the northeast.
- Traffic for the Switching Substation is not included because this is deemed to be a separate planning application. The traffic for that may be an additional 16 HGV/day.
- HGV increase during site setup is 48 vehicles/day. Whilst mentioned in passing, this is not included in the calculations.
- The summary that
 - total traffic movements are not predicted to increase by more than 30% on all of the study network, the maximum impact being experienced on the B862 at the site access being 24.2%. Total traffic increases along the trunk road network are all below 0.44%.¹⁷

is incorrect and at variance with the presented data in Table 16.8.

- The Classification of Receptor Sensitivity uses 'professional judgement' but is misguided in respect of Users/Residents of Locations. There is no justification for the judgement that smaller and more scattered rural locations with few community or public services are less sensitive receptors. It is arguable that a remote rural location where there are no pavements will make the residents *more* sensitive to changes in traffic flows. However, this judgment is then used to assess the local Residents along the B851, B862, B852 and those in Whitebridge, Errogie and elsewhere away from Stratherrick School in Gorthleck as being 'Low sensitivity' and therefore they are scoped out of further consideration.

¹⁷Volume 1 - Chapter 16 - Traffic Access and Transport: 16.8.2

- Destruction of the South Loch Ness Way bridge at Allt Breineag in June 2023 means that walkers are forced to divert onto the B862. Therefore pedestrian use of the B862 is now significant. The increased traffic flows from the development coupled with the lack of pedestrian facilities makes this Large in terms of Pedestrian Amenity, Pedestrian Delay, Fear & Intimidation and Accidents & Safety.
- A 48%¹⁸ increase in traffic on the B862 is not 'minor' and 'slight (Not significant)'. As acknowledged, the IMEA Guidelines acknowledge that 'the measurement and prediction of severance is extremely difficult'.

2.2.8 Planning

- There is no consideration of the Stratherick & Foyers Local Place Plan.

2.2.9 Visual Effects

- There are no visualisations from the summit of Beinn Sgurrach. This is a popular walk for locals and visitors alike. The visual impacts of proposed development would be particularly apparent from that viewpoint.
- Powerhouse



Figure 1: Source <https://lochkempstorage.co.uk/img/containers/assets/news/application-submitted-press-release.jpg/dld293fa45353c1886d8a0ded240bab2.webp>

- Size is 130×60×30m.
- It is completely out of place in the landscape and environment.
- It would be the only substantial building on the south shore of Loch Ness between Foyers and Fort Augustus (10 miles).
- Detailed design not done
- The visualisations from the A82 appear deliberately to attempt mitigation of the visual effect by including foreground foliage and nearby boats which distract the eye.

¹⁸Notwithstanding the suspicious baseline data previously noted

- The visual effects are dismissed as 'Minor adverse (not significant)' without justification.
- The direct effects on the Ness Woods SAC, the local and wider visual and landscape effects and the precedent set by permitting an above-ground powerhouse are all unjustified and unacceptable:-
 - * Foyers is a legacy scheme from 1960s based on a 19th Century footprint and does not set the current/recent precedent. Locally, it is also considered an eyesore and an unwelcome imposition on the landscape.
 - * All recently constructed and consented schemes (Red John, Coire Glas, Glendoe and even Cruachan) have required underground powerhouses
 - * The developers acknowledge that an underground powerhouse is technically feasible.
 - * Glendoe tailrace is just a small (c.10m) concrete outflow and it bears no comparison to the proposed surface powerhouse in scale or visual impact.
 - * Arguing that the powerhouse may be screened in some views is irrelevant to those where it isn't.

2.3 Case for Derogation

This document attempts to justify permitting development within the Ness Woods Special Area of Conservation (SAC) even though that will effect its integrity and degrade its condition.

- The arguments used are selective, biased and self-referential. Although the Aurora Energy (2023) report discusses power requirements, it expresses no preference for Pumped Storage Hydro over other forms of Long Duration Energy Storage (LDES).

Jacobs (2020) presents 10 net-zero scenarios with estimated costings in an attempt to identify the cheapest. The range is £68bn – £106bn with the scenarios which replace or obviate the need for carbon capture technology being the cheapest. PSH is part of that (10GW PSH saving £12bn overall) but hydrolysers are the most significant component (30GW hydrolysers saving £20bn overall). Note that hydrolysers save twice the amount of money per GW than PSH.

Public Letters written to the Scottish and UK Governments by President of the Long Duration Energy Storage Council and the President Designate of the International Hydropower Association (IHA) are lobbying, but do not represent agreed policy.

- LDES Council is an industry body of which the developer is a member.
- IHA is an international lobby group and membership association representing the global hydropower sector.

Other less supportive reports are ignored. For example The Royal Society produced a Large-scale electricity storage report in September 2023 which states that

Storage on this scale [. . .] is not possible with batteries or pumped hydro.

and

While additional pumped hydro storage capacity will be helpful, it is clear that it would only have a marginal impact on GB's need for tens of TWh of large-scale storage to complement high levels of wind and solar.

It is only the developer's interpretation that 10GW PSH is required by 2035. Despite their broad support for PSH, the Scottish Government has no specific targets.

The need for *this* project in *this* location is the subjective and wishful opinion of the applicant and is not mandated by Government policy.

- Whilst UK and Scottish Governments have committed to net-zero and stated the importance of Pumped Storage Hydro in this, there are no specific PSH targets attached to that. The figures used are derived from the Long Duration Energy Storage Council (an industry body of which the developer is a member).
- Jacobs (2020) suggests the required stages are
 - (a) Initial 5 GW of pumped hydro with 5 GW of hydrogen storage by 2030
 - (b) Further 5 GW of pumped hydro with 5 GW of hydrogen storage by 2035

Without Loch Kemp, the current consented (2860MW) and scoping stage (3470MW) developments are circa 6.3GW. Further schemes are at the pre-planning stage. Refusing the Loch Kemp proposal does not mean that either of the Jacobs stage targets will be missed.

- Constructing multiple schemes with a common lower reservoir means that the ability of each scheme to achieve and deliver its designed power capacity is curtailed. To avoid this, the more relevant overriding public interest is to build schemes where the lower reservoir is *not* shared.

3. Adequate Compensation Measures

- Ness Woods SAC was noted to be in 'unfavourable' condition when the site was **first designated** in 2005. Even despite this, it was still deemed worthwhile to designate. It is false to state that any improvements to the SAC could only happen as a result of ('but for') the proposed development and the fact that Ness Woods SAC remains in 'unfavourable' condition does not justify developing within it. If the landowner really wanted to improve the condition of the site there are grants, support and advice available from **NatureScot**.