Sloy Pumped Hydro Storage

Supporting Planning and Energy Policy Statement

savills

Contents

1. Introduction

1.1. This Supporting Planning and Energy Policy Statement has been prepared by Savills UK Limited on behalf of SSE Renewables (the Applicant). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for the conversion of the existing Sloy Hydroelectric Power Station at Inveruglas into a pumped hydro storage scheme (the Proposed Development).

1.2. A description of the Proposed Development Area (PDA) as existing is presented in Chapter 2:' The Existing Hydroelectric Scheme' of the Environmental Impact Assessment Report (EIA Report). A detailed description of the Proposed Development and its individual components is set out in Chapter 4: 'Description of Development'.

1.3. The Scottish Ministers previously granted consent for a pumping station at Sloy in September 2010 (ECU Ref. 00005235), however, due to a perceived lack of market, the scheme was never built and consent lapsed in 2018. In recent years there has been an increase in the development of flexible renewable schemes (principally wind farms) to assist the UK in attaining its commitment to increase the proportion of electricity generated using renewable resources. As a result, there is now a recognised, clear, and urgent need for the development of pumped hydro storage, to enable a greater balance between electricity supply and demand.

1.4. This Supporting Planning and Energy Policy Statement accompanies the EIA Report for the Proposed Development. It does not form part of the EIA Report but draws upon its findings to inform conclusions on planning and energy policy matters.

1.5. At the same time as seeking S36 consent, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. The Applicant is seeking consent for a permanent use.

1.6. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application made under the Planning Act. Rather, weight can be attributed by the decision maker to all material considerations including the various levels of national and local energy and planning-related policy and guidance as deemed appropriate.

1.7. This Supporting Planning and Energy Policy Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy and local planning policy. It considers the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIA Report. It also gives consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

1.8. In addition to seeking Section 36 consent and deemed planning permission, consent under other consenting regimes is expected to be required, including Listed Building Consent for *inter alia* works to the northern gates, gate posts and a short section of walling (which are all part of the Category A listed Sloy Hydroelectric Power Station).

1.9. This Supporting Planning and Energy Policy Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows:

- Section 2 - The Energy Policy Context;
- Section 3 - The Development Plan Framework; and
- Section 4 - Conclusions.

2. The Energy Policy Context

Overview

2.1. This section of the Supporting Planning and Energy Policy Statement provides commentary against energy legislation and planning policy considered to be of the most relevance to the Proposed Development. This is not an exhaustive overview of all relevant policies and plans relevant to this subject area, and, given the legislative basis and statutory nature of the net-zero targets (discussed further below) only the most salient pieces of legislation and policies are discussed here. A more comprehensive overview of relevant energy policy matters is set out in the EIA Report Chapter 7: 'Planning Policy and Context'.

The Legislative Framework

Climate Change (Scotland) Act 2009

2.2. The Climate Change (Scotland) Act 2009[1] created the statutory framework for greenhouse gas (GHG) emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 was also set out.

2.3. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1st January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

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

[1] Climate Change (Scotland) Act 2009, Scottish Government. Available at: https://www.legislation.gov.uk/asp/2009/12/contents

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

2.5. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[2] amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets than those contained in the 2009 Act. It commits Scotland to becoming a net zero society by 2045 (five years earlier than the rest of the UK).

In addition to setting a target date of 2045 for reaching net zero emissions, the 2019 Act also introduced interim targets which included a target to reduce emissions by 75% by 2030. In April 2024, and in response to the findings of a Climate Change Committee (CCC) report 'Progress in Reducing Emissions – 2023 Report to Parliament[3]', the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is '*out of reach'*. The Scottish Government did however re-affirm its '*unwavering commitment'* to reaching net zero by 2045, a target that remains embedded in statute.

Progress towards Net Zero

2.6. At the same time as announcing that the 2030 GHG reduction target had been abandoned, the Scottish Government also confirmed that it would drop the legally binding annual targets on reducing emissions. The most recent annual targets in the lead up to 2045 are set out in Table 1 below.

2.7. The most recent Ministerial Statement on GHG emissions was made to Parliament on 19 June 2024[4] when the Net Zero and Energy Cabinet Secretary confirmed that GHG emissions reduced by 50% over the period 1990 to 2022, against a target of 53.8% - therefore the 2022 target was missed.

[2] Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Scottish Government (2019). Available at: https://www.legislation.gov.uk/asp/2019/15/contents/enacted

[3] Progress in Reducing Emissions – 2023 Report to Parliament, Climate Change Committee (2024). Available at: https://www.theccc.org.uk/publication/2023-progress-report-to-parliament/

[4] Greenhouse gas emissions statistics 2022: Ministerial Statement, Scottish Government (2024). Available at: https://www.gov.scot/publications/greenhouse-gas-emissions-statistics-2022-ministerial-statement/

Table 1 – Scottish Greenhouse Gas Reduction Targets

Year	*Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels)*	*Year (continued)*	*Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels) (continued)*
2020 (interim target)	48.5%	2033	79.5%
2021	51.1%	2034	81%
2022	53.8%	2035	82.5%
2023	56.4%	2036	84%
2024	59.1%	2037	85.5%
2025	61.7%	2038	87%
2026	64.4%	2039	88.5%
2027	67.0%	**2040 (interim target)**	90%
2028	69.7%	2041	92%
2029	72.3%	2042	94%
2030 (interim target)	75%	2043	96%
2031	76.5%	2044	98%
2032	**78%**	**2045**	**100% (net zero emissions)**

United Nations (UN) Emissions Gap Report 2024

2.8. For more than a decade the UN Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights ways to close the gap. The latest Gap Report, 'No more hot air … please!'[5], was published on 24 October 2024.

2.9. The 2024 Gap Report notes in the Foreword that GHG emissions reached a new high in 2023. This context coupled with the promises made to date put us *'on track for best-case global warming of 2.6 degrees this*

[5] Emissions Gap Report 2024, United Nations (2024). Available at: https://www.unep.org/resources/emissions-gap-report-2024

century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot.'

2.10. The report notes in the Executive Summary that:-

'The magnitude of the challenge is indisputable. At the same time, there are abundant opportunities for accelerating mitigation action alongside achieving pressing development needs and Sustainable Development Goals. Technology developments, particularly in wind and solar energy, continue to exceed expectations, lowering deployment costs and driving their market expansion.'

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

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

2.12. Following independent advice from the National Energy System Operator (NESO), the UK Government has set an objective for clean power to meet 100% of electricity demand by 2030, with at least 95% of electricity generation coming from low-carbon sources and no more than 5% from unabated gas.

2.13. Published by the UK Government in December 2024, the Clean Power 2030 Action Plan[6] sets out a pathway to a clean power system by the end of this decade through *"…the most ambitious reforms to our energy system in generations"* (Foreword from the Secretary of State).

2.14. Against this backdrop, long-duration electricity storage (LDES)[7], including pumped hydro storage, is a noted *"…key enabler to a secure, cost-effective and low carbon energy system"* by supplying electricity continuously for several hours up to several days without recharge. As well as providing electricity during extended periods of low renewable output, *"LDES technologies also provide a range of essential grid services such as inertia, voltage support, short circuit and demand response"* (page 115).

[6] Clean Power Action Plan, UK Government (2024). Available at: https://www.gov.uk/government/publications/clean-power-2030-action-plan

[7] Currently defined as at least six hours of continuous supply of electricity

2.15. The Action Plan advises that deployment of pumped storage hydro capacity needs to be scaled up and suggests that 4-6 GW of LDES in total is needed by 2030. To help deliver this, the UK Government's LDES investment support scheme seeks to *inter alia* remove barriers that have prevented the construction of new storage capacity for nearly 40 years, helping to create back up renewable energy and bolster energy security.

Draft Scottish Energy and Just Transition Plan

2.16. The Scottish Government published the Draft Energy Strategy & Just Transition Plan[8] (hereafter referred to as the Draft SES) for consultation purposes in January 2023. In due course, this will replace the 2017 SES which is discussed in EIA Report Chapter 7: 'Planning Policy and Context'. While the Draft SES may be subject to change following consideration of responses to the consultation exercise, brief commentary is merited here on certain aspects of its content.

2.17. The Ministerial Foreword describes the 2020s as a 'decisive decade' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market, which has seen energy prices increase significantly since the start of the Ukraine war in 2022. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.

2.18. The overall vision is that by 2045:-

'Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions'.

[8] Draft Energy Strategy and Just Transition Plan, Scottish Government (2023). Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/

2.19. A series of actions are listed on page 24 to achieve this vision, including the need to *'significantly scale up renewable energy production, including on-and offshore wind power, renewable hydrogen, marine energy, solar and hydro'*.

2.20. Meeting the anticipated increase in demand for domestic electricity forms a key component of the Draft SES, but exporting electricity generated in Scotland is recognised as an economic opportunity.

2.21. Section 3.1 notes that *'increasing levels of home-grown renewable supply will make energy more affordable and ensure it is always available when we need it'*. The Draft SES is not technology specific and there are comments, aspirations and targets for different technology types. The Draft SES recognises the importance of pumped hydro storage (PHS) developments stating, "*as we transition to a net zero energy system, renewables and other zero-carbon technologies, including pumped hydro storage, will need to provide all the services required to ensure a secure energy system.*" It continues noting that *"PHS also continues to play a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks. PHS accounts for 740 MW of Scotland's 864 MW of energy storage*" (page 129).

3. The Development Plan Framework

Introduction

3.1. This section considers the Proposed Development against the relevant provisions of the Development Plan, which now comprises: -

- National Planning Framework 4 (NPF4)[9], adopted in 2023; and
- The Loch Lomond and the Trossachs National Park Local Development Plan[10] (LLTNPLDP) 2017-2021[11], adopted in December 2016, and its Supplementary Guidance.

3.2. Argyll and Bute Council may be consulted on the Proposed Development as the neighbouring Local Planning Authority. The Argyll and Bute Local Development Plan was adopted in February 2024 and provides the local planning framework for the administrative area of Argyll and Bute, excluding the Loch Lomond and the Trossachs National Park area. This section of the Supporting Planning and Energy Policy Statement comments upon NPF4 and the LLTNPLDP only.

3.3. The Scottish Government's Chief Planner issued a letter on 8 February 2023[12] to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document.

3.4. In a letter dated 27 June 2024[13], albeit focusing on housing delivery, the Chief Planner discussed the implementation of NPF4 and reinforced the position of the Scottish Ministers that *'policies in NPF4 should*

[9] https://www.gov.scot/publications/national-planning-framework-4/documents/

[10] https://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/

[11] The LLTNPA website states that the current LDP will remain in place until 2024 to align with the new planning legislation

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

[13] https://www.gov.scot/publications/planning-for-housing-chief-planner-letter-june-2024/

be read and applied as a whole and that conflicts between policies are normal and to be expected'. (emphasis added)

3.5. It is, however, recognised that the Development Plan does not have primacy in determining Section 36 cases, nevertheless it may be a material consideration.

National Planning Framework 4 (NPF4), 2023

3.6. National Planning Framework 4 (NPF4) was adopted on 13 February 2023 and now comprises the national element of the Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland to 2050.

3.7. NPF4 sets out a list of national planning policies to assess applications, alongside National Developments and spatial priorities for different regions within Scotland. NPF4 is an Outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'. The aforementioned Chief Planner letter dated 27 June 2024, confirms that *'the sections on 'policy intent' within NPF4 are provided to help decision makers deliver on policy aspirations'.*

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

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

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

3.10. The positive contribution that the Proposed Development can make to addressing the twin climate and nature crises is discussed below. The following commentary starts with Part 1 of NPF4, works through the document in chronological order, and considers the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities.

NPF4 Part 1 – A National Spatial Strategy for Scotland 2045

3.11. Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:-

- Just Transition;
- Conserving and Recycling Assets;
- Local Living;
- Compact Urban Growth;
- Rebalanced Development; and
- Rural Revitalisation.

3.12. Application of these spatial principles will support the planning and delivery of:-

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

3.13. A total of 18 National Developments support the spatial strategy, including National Development 2 *'Pumped Hydro Storage'*, which is discussed in the narrative below relating to NPF4 Part 3. Page 4 confirms that National Developments will be a *'focus for delivery'* (emphasis added) and expects regional spatial strategies and Local Development Plans to identify and support National Developments that are relevant to their areas.

3.14. The commentary in NPF4 on 'Sustainable Places' is the most relevant section of Part 1 to this application. Page 6 notes the legislative basis for Scotland's net zero GHG emissions target by 2045.

3.15. As a headline objective, the commentary on page 7 states that '*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment'*.

3.16. Page 7 states that '*every decision on our future development must contribute to make Scotland a more sustainable place'* and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, '*nature recovery must be at the heart of future places*' (page 7).

3.17. Six National Developments support the delivery of sustainable places, including pumped hydro storage which *'extends hydro-electricity capacity to support the transition away from fossil fuels, whilst also providing employment opportunities in rural areas'* (page 7).

3.18. In the 'Cross-Cutting Outcome and Policy Links' Box on page 8 'Reducing Greenhouse Gas Emissions', NPF4 states that: -

'The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole'.

3.19. In the 'Cross-Cutting Outcome and Policy Links' Box on page 9 'Improving Biodiversity', NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.

3.20. These Policy Link Boxes clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The Proposed Development responds positively to these challenges by seeking to deliver a scheme that supports the transition away from fossil fuels and is, by definition, a National Development. A range of biodiversity enhancements have been proposed as part of the Proposed Development in response to the requirements of NPF4.

NPF4 Part 2 – National Planning Policy

3.21. Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of: -

- Sustainable Places;
- Liveable Places; and
- Productive Places.

3.22. Those policies considered to be of relevance to the Proposed Development are discussed in the following paragraphs, starting with Policy 11 'Energy', being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

Policy 11: Energy

3.23. Policy 11: 'Energy' is the most relevant to the Proposed Development. The policy intent is to:

'*Encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)'.*

3.24. The Policy Outcomes are *'expansion of renewable, low-carbon and zero emissions technologies'.*

3.25. To achieve these Outcomes, Policy 11 states in part (a) that *'development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported*'. This includes in part (iii) *'energy storage, such as battery storage and pumped storage hydro'.*

3.26. On the basis of the above, it is considered that the Proposed Development can draw in principle support from Policy 11(a). In this respect, NPF4 Part 3, states *'where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies*'. It is also recognised that each application must be treated on its own merits, having regard in particular to the assessment criteria in part (e) of Policy 11.

3.27. These criteria are discussed below in Table 2, but what is important to highlight at this point is that the final part of Policy 11(e) requires decision makers to give 'significant weight' to the contribution that a proposal makes to '*renewable energy generation targets and on greenhouse gas emissions reduction targets'.* This approach is illustrated in the decision by the Scottish Ministers to grant Section 36 consent and deemed planning permission for the Devilla energy storage project (Ref: ECU00003469 dated 13th December 2023[14]).

3.28. In approving that scheme, Scottish Ministers concluded that it was not certain whether the proposal would result in net biodiversity enhancement in terms of NPF4 Policy 3. In adopting a precautionary approach on this issue, Scottish Ministers concluded that the proposal '*does not meet the intent of Policy 3'* but that the pressing issue of addressing climate change justified giving greater weight to NPF4 Policies 1 (Tackling

[14] https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00003469

the Climate and Nature Crises) and 11 (Energy) than Policy 3 (Biodiversity) when weighing up the support for the development (see paragraph 63 of the decision letter). This decision emphasises the importance of considering NPF4 as a whole, rather than focusing upon the extent of compliance with an individual policy, or elements of an individual policy (see paragraph 63 of the decision letter).

3.29. Part (c) of Policy 11 deals with the socio-economic impacts of renewable energy and low carbon proposals. It states that *'proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities'*.

3.30. The socio-economic benefits associated with the Proposed Development are set out in Chapter 4: 'Description of Development'. The Applicant is a major employer in the UK including the North of Scotland. The Proposed Development will generate short-term socio-economic benefits during construction through employment, spending of employees, purchase of materials and services. Long term benefits such as jobs are also predicted to be created/retained through the operation and maintenance of the Proposed Development.

3.31. Over the anticipated three year construction period, the Applicant expects that there will be up to 70 full time equivalent jobs at peak construction on site. In terms of the Gross Value Added (GVA) effect of this level of employment, the Scottish Annual Business Statistics 2021 reports a GVA per head for the Civil Engineering sector in Argyll and Bute as £82,339. Preference will be expressed in contract documents for local sub-contractors and suppliers where possible.

3.32. The Proposed Development will support the existing operational employment at the Sloy Hydroelectric Power Station and at the Hydro Operations Centre in Perth where existing staff will be trained to maintain the new pumping facility. This skills development for existing staff will help to broaden operational experience. The Proposed Development further illustrates the Applicant's commitment to securing long-term employment in the region. There will be need for additional support for ongoing maintenance which could bring opportunities for the local supply chain. Sloy/Awe already has a successful apprenticeship and traineeship programme with two full time employees (FTE) currently undergoing training programmes within the Sloy section. The Applicant intends to expand this programme during the operational phase of the Proposed Development, leveraging the addition of pumped hydro storage at Sloy to enhance training opportunities for both apprentices and trainees. Additionally, this development will complement SSE's adult

craft programme, which provides upskilling pathways for existing employees and supports the career progression of the local workforce.

3.33. While it is recognised that community benefits are voluntary arrangements, and are not material considerations (as recently affirmed by the Chief Planner letter dated 20 September 2024[15]), the Applicant is committed to maximising local economic benefits and is offering to make contributions to a Community Benefit Fund. It is anticipated that the Fund for the Proposed Development would be a six figure sum based on current estimates of the overall capital cost, with 50% made available to local community projects during the construction phase of the project and the remaining 50% made available through the wider SSE Renewables Hydro Community Fund, which is open to applications for funding from communities across the entire SSE Renewables hydro estate.

3.34. Overall, it is considered that the Proposed Development will create positive socio-economic impacts with no anticipated significant adverse residual effects.

3.35. Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.

3.36. Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals, with project design and mitigation demonstrating how various potential impacts have been addressed. The Proposed Development is assessed against these factors in Table 2 below.

Table 2 – Commentary on NPF4 Policy 11 part (e)

Policy Criteria	*Commentary*
Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	The effects of the Proposed Development on these receptors are considered in EIA Report Chapter 12: 'Landscape and Visual Impact Assessment'. There will be no impacts arising as a result of shadow flicker as this is not a wind farm scheme. EIA Chapter 12 provides an assessment of the visual impacts of the Proposed Development from a number of receptors

[15] https://www.gov.scot/publications/planning-work-programme-update-chief-planner-and-ministerial-letter-september-2024/

Policy Criteria	*Commentary*
	including building-based receptors where there are residential properties or visitor buildings within the 2.5km LVIA Study Area. These have been separated into four area-specific groups; Inversnaid (receptors B1-B4), Inveruglas (receptors B5-B8), Ardvorlich (receptor B9) and Corriegrogain (receptor B10) (see EIA Figure 12.5). The Landscape and Visual Impact Assessment (LVIA) has identified that there will be no significant effects on the visual receptors at Inversnaid throughout construction and during operation. During construction, minor-moderate adverse impacts are anticipated at receptors B1 (Inversnaid Hotel), B2 (Lomond View and Corriebruach) and B3 (Inversnaid Lodge). During operation, there is unlikely to be any discernibly adverse effects on the visual amenity of Inversnaid group. There will be no view from receptor B4 (Garrison/ Inversnaid Bunkhouse) during construction or operation due to existing screening. There will be a temporary significant effect during the construction period on one receptor at Inveruglas (B5 – Inveruglas Visitor Centre and Café). This is due to the views of the Proposed Development from associated outside areas including the café terrace and car park. The impact is predicted to be moderate adverse (significant) but temporary. The operational effect is predicted to be minor adverse (non-significant) in the first year but would reduce with the establishment of vegetation on the slope to the west and around the overflow car park. Elsewhere around Inveruglas, the effects are predicted to be not significant for receptors B6 (Cottage at entrance to Sloy Power Station) and B7 (Inveruglas Farm). There will be no view from B8 (Loch Lomond Holiday Park) during construction and operation due to woodland screening.

Policy Criteria	*Commentary*
	There is no view expected from receptors B9 and B10 at Ardvorlich and Coiregrogain during operation and construction due to landform and vegetation. A noise assessment has been completed (EIA Report Chapter 14: Noise and Vibration) which concludes that the operational noise levels will remain below the indicators for an adverse impact and no significant effects are anticipated. The assessment further concludes that construction noise levels will not exceed the guideline threshold levels at identified noise sensitive receptors and no significant effects are expected.
Policy 11(e)(ii) Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.	This section of Policy 11 notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied. This part of Policy 11 makes it clear that where significant landscape and visual effects are localised and/or design mitigation has been applied, the expectation is that these effects will generally be considered acceptable. The corollary is that it would be unusual for such effects to be considered unacceptable. The LVIA in EIA Report Chapter 12 considers the potential landscape and visual effects across Landscape Character Types (LCTs), landscape designations and visual receptors. The assessment considers the short-term construction phase and the longer-term operational phase effects. The effects of the Proposed Development on Wild Land Areas were scoped out of the assessment. The visual effects have been considered from 20 receptors and visualisations have been produced from five locations to show the appearance of the Proposed Development upon

Policy Criteria	*Commentary*
	completion from key locations. The study area and scope were agreed with LLTNPA and NatureScot following scoping. A Zone of Theoretical Visibility (ZTV) (EIA Figure 12.1) has been produced in line with the NatureScot 2017 Guidance. The LVIA predicts a number of short-term, significant landscape and visual and cumulative landscape and visual effects as a result of the Proposed Development within a small area around Inveruglas. The LVIA notes that upon completion of construction, the landscape and visual effects will reduce to levels that are not considered significant. The PDA is located within Loch Lomond and the Trossachs National Park. It also falls within the Loch Lomond NSA designation, which is focussed around Loch Lomond and the immediately enclosing mountain slopes. There are no individual Special Landscape Qualities identified for this NSA as those identified for the National Park are considered to cover this. The effects of the Proposed Development on the two designations have therefore been considered together in EIA Chapter 12. When considered as a whole, the significant effects identified within a very localised area are not predicted to lead to any significant effect on the National Park designation and no significant effects are predicted to any of its Special Landscape Qualities. Landscape planting has been proposed to the north of the new surface building which will help to minimise visual impacts. EIA Figure 12.7 shows the outline landscape proposals.
Policy 11(e)(iii) Public access, including impact on long distance walking and	There are a number of recreational routes within the 2.5km LVIA Study Area as shown on EIA Report Figure 12.1: 'Zone

Policy Criteria	*Commentary*
cycling routes and scenic routes.	of Theoretical Visibility'. Three recreational walking routes were assessed in the LVIA. A significant visual effect is anticipated during construction for users of one of the routes (R6: Three Lochs and Cowal Ways) as the route passes directly adjacent to the Proposed Development. During operation, it is anticipated these impacts will be unlikely to lead to an adverse significant effect on the visual amenity of the route as the setting of the new building within the grounds of the existing power station has been carefully designed. The reinstated boundary walls and gate, combined with the existing power station and new building will largely conceal views of the reinstated spoil management area. Effects during the construction period for the two additional routes (R7: Great Trossachs Path and R5: West Highland Way) are considered to be minor-moderate adverse (not significant). While there will be views of the Proposed Development from the routes, during operation, this effect would reduce over time. Visual effects from both routes would reduce to negligible effects after 10 years. Three Outdoor Recreational Locations (O1: Inveruglas Recreational Areas, O2: Loch Lomond and O3: Rob Roy's View) were considered in the assessment. No significant visual effects were identified for users of these locations. During construction, minor adverse effects have been identified for Outdoor Locations O1 and O2 (Inveruglas Recreational Areas and Loch Lomond). These effects will reduce to negligible once the scheme is operational. A Draft Outdoor Access Management Plan (OAMP) has been prepared as EIA Appendix 16.1, which sets out the measures that the Applicant will adopt to ensure access is maintained during the construction period. This will be achieved through implementing the management strategies of the OAMP to

Policy Criteria	*Commentary*
	ensure the safety of staff and the wider public. As the Proposed Development is an extension to an existing scheme, no significant adverse effects are anticipated on outdoor access during the operation of the Proposed Development.
Policy 11(e)(iv) Impacts on aviation and defence interests including seismological recording.	The Applicant has consulted on the Proposed Development with the Ministry of Defence (MOD) during the scoping process. The MOD has written to confirm that the PDA is outwith its safeguarding areas and it has no concerns in relation to the Proposed Development.
Policy 11(e)(v) Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.	Various bodies, including British Telecom and the Joint Radio Company (JRC) were contacted about the Proposed Development. A response to the EIA scoping request was not received but given the nature of the Proposed Development and the use of the PDA for a very similar use at present, no telecommunications-related impacts are anticipated.
Policy 11(e)(vi) Impacts on road traffic and on adjacent trunk roads, including during construction.	The impacts of the Proposed Development on road traffic and the adjacent trunk road are considered in EIA Report Chapter 13: 'Traffic and Transport'. The assessment focuses on the potential effects of the Proposed Development during construction and operation. During peak construction, which is expected to be in months 14 to 16 of the programme, a total of 3,332 construction vehicle movements are predicted during these three months. This comprises 1,320 car/ light goods vehicles (LGV) movements and 2,012 heavy goods vehicles (HGV) movements. This is an average of 60 car/LGV and 92 HGV movements per day. The access strategy is detailed in full in EIA Appendix 13.1. The largest total increase in traffic flows within sensitive areas of the study area will be 3.2%, which will occur on the A82(T)

Policy Criteria	*Commentary*
	north of Tarbet. Given the proximity of some of the sensitive areas/ locations to the Proposed Development, an assessment of construction traffic has been undertaken and the results are available in EIA Chapter 13, Table 13.12. A Construction Traffic Management Plan (CTMP) will be agreed with LLTNPA and Transport Scotland prior to construction works commencing. An Abnormal Load Transport Management Plan will also be prepared, if deemed necessary. Abnormal load deliveries will be undertaken at appropriate times with the aim to minimise effects on the local road network. If required post consent, a Path Management Plan (PMP) will be produced as either a standalone document or part of the CTMP. Chapter 13 confirms there will be temporary construction phase effects which would be minor in nature and not significant, following the implementation of the CTMP. No long-term detrimental transport or access issues would be associated with the construction phase of the Proposed Development. The assessment concludes that there are no expected capacity issues on any of the roads within the study area due to the additional construction traffic movements associated with the Proposed Development. Traffic levels during the operational phase will be low with two-three vehicles per day for maintenance. No significant effects are considered likely in this phase either.
Policy 11(e)(vii) Impacts on historic environment.	EIA Report Chapter 15: 'Cultural Heritage' considers the potential impacts arising from the construction and operation of the Proposed Development. The assessment considers the potential direct and indirect impacts on the setting of historic environment assets. Two heritage assets were

Policy Criteria	*Commentary*
	identified within the Inner Study Area (the Proposed Development Area) (see EIA Report Figure 15.1): ▪ Category A Listed Sloy Awe Hydro Electric Scheme and Sloy Power Station including Boundary Walls, Gates and Gate Piers, which is assessed as being high sensitivity; and ▪ A section of Old Military Road, listed on the Historic Environment Record (HER), which is assessed as being of heritage value at the local level and of low sensitivity. The assessment advises that there is a low potential for previously unrecorded archaeological remains within the PDA. There is a slightly higher probability that buried remains may be present within the wooded area to the north of the existing power station building, as it may not have been disturbed previously. Listed Building Consent will be required from LLTNPA for the temporary removal and reinstatement of the Category A Listed Boundary Walls, Gates and Gate Piers during construction and protection will be required to ensure accidental damage is prevented. The scope of such protection will be agreed between the Applicant and LLTNPA. Listed Building Consent will also be required to modify the drystone wall that surrounds the penstocks to the rear of the power station building. This wall will be reinstated on completion of construction, with only a small section lost where the new pumped supply pipe cuts directly through it. Chapter 15 determines that the effects (without mitigation) will be minor significant (not significant). The Proposed Development will not have significant impacts on the character, special architectural and historical interest of the power station during the operational period. The proposed construction compound/ site establishment area and spoil storage area to the north of the existing power

Policy Criteria	*Commentary*
	station and associated tree felling work could affect the Old Military Road within the existing woodland. Chapter 15 determines that (without mitigation) there will be significant direct effects on this asset during construction. Mitigation measures involve demarcation of the identified section of road for preservation in situ. With these in place, there would be no residual effects on the remains of the section of road. Within 1km of the Proposed Development (the Outer Study Area) (EIA Figure 15.2), there is one Scheduled Monument, one Category B Listed Building and four Category C Listed Buildings. Minor significant effects (not significant) on the setting of the Scheduled Monument, Inveruglas Castle, and the Category A Listed building, Sloy Awe Hydro Electric Scheme, Sloy Power Station, were identified during the assessment. Effects on the setting of the other heritage assets within the Outer Study Area (1km) are assessed as no more than negligible significance (not significant). Chapter 15 concludes that the cumulative effects of the Proposed Development in combination with other developments in the area, are not considered to be significant. Following implementation of the proposed mitigation, there would be no significant residual direct effects on cultural heritage.
Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.	Potential impacts of the Proposed Development on these matters are considered in EIA Report Chapter 11: 'Soil, Geology and Water Environment'. A Flood Risk Assessment and Drainage Impact Assessment were scoped out of the EIA. The operation of the Proposed Development will be regulated by the Varied CAR licence and the Reservoirs Act

Policy Criteria	*Commentary*
	and, therefore any potential increase in flood risk will be mitigated. Chapter 11 confirms that an assessment of the effects of the Proposed Development on hydrology and hydrogeology was carried out within a defined study area as shown in Figure 11.1 (within 500m of the PDA). During operation, the transfer of water between Loch Sloy and Loch Lomond will be regulated by SEPA. Confirmatory monitoring is proposed to ensure that the construction of the Proposed Development does not impair the water environment. Chapter 11 concludes that there are no significant residual effects anticipated on surface water or groundwater receptors, including designated sites, Scottish Water assets, Drinking Water Protection Areas (DWPAs) and Private Water Supplies (PWS) sources during the construction or operational phases of the Proposed Development. In relation to Belmore Water Treatment Works (WTW), a study will be undertaken to confirm whether the water quality of the Lomond / Sloy blend remains within the treatable envelope. It has been agreed with Scottish Water that the water sampling (12 months' worth), water quality study and resultant updated process review can be undertaken during the S36 determination period. The results will enable Scottish Water to quantify and mitigate potential impacts of the Proposed Development.
Policy 11(e)(ix) Biodiversity including impacts on birds.	Chapter 8: 'Aquatic Ecology and Fish', Chapter 9: 'Terrestrial Ecology', and Chapter 10: 'Ornithology' collectively consider the ecological impacts of the Proposed Development upon a wide range of receptors. These chapters set out avoidance and mitigation measures that have been built into the design of the Proposed Development and identify further mitigation measures that can be adopted during the construction and operational phases to avoid significant effects on biodiversity

Policy Criteria	*Commentary*
	arising. These chapters also set out requirements for post-construction monitoring. Chapter 8 considers the effects of the Proposed Development on aquatic ecology and fish. It notes that potentially significant impacts were identified during scoping which included the spread of aquatic invasive species between Loch Lomond and Loch Sloy and the mortality of fish through impingement or entrainment at the intake. In relation to fish, brown trout, European eel and powan are present within Loch Lomond and Loch Sloy. Loch Lomond and associated river systems within the catchment are also known to support Atlantic salmon and sea trout. Construction noise is only likely to affect fish in Inveruglas Bay and potential permanent habitat degradation may occur from accidental damage and pollution events due to increased traffic and rock excavation during the construction phase. A CEMP will be produced to facilitate the construction phase detailing the environmental management and monitoring measures. SEPA pollution prevention guidelines will be followed in order to prevent pollution of the water environment during construction works. Native fish species could be killed through poorly designed intake screens or by the screens malfunctioning. A management plan is recommended to detail the plans for installation and use of intake screens, including minimising the environmental impacts associated with installing intake screens, testing their effectiveness before they are used and maintaining their effectiveness over time. Overall, following mitigation and ongoing management, no significant effects on aquatic Important Ecological Features are predicted.

Policy Criteria	*Commentary*
	Chapter 9 considers the impacts of the Proposed Development on terrestrial ecology. The amphibian and reptile impacts of the Proposed Development include the temporary loss of foraging and resting habitat during woodland removal, however, high quality habitats are present to the south, north and west of the PDA. During construction, reptiles and amphibians may be killed, injured, and/or disturbed during removal of vegetation and grassland habitats on the PDA. During construction, there will be an increase in hazards which could potentially harm reptiles and amphibians such as open trenches and active plant. Mitigation measures such as grassland and woodland retention and enhancement (where possible) are proposed to maintain wildlife resources. Where retention is not feasible, compensatory habitat will be provided. Appropriate fencing will be used to mark the construction boundary which will protect off-site habitats and limit access to the works area. After mitigation, no significant impacts on terrestrial ecological features are predicted. Chapter 10 focuses on the impacts of the Proposed Development on ornithology. Ornithological surveys were undertaken by Envirocentre in 2022. During the surveys, 35 bird species were identified on or adjacent to the PDA, eight of these are considered 'Priority Species', four are recorded as 'red-listed' species and seven are 'amber-listed'. The remaining species are 'green-listed' and not covered in legislation. A Bird Survey Report is produced in EIA Appendix 9.4 which details the proposed mitigation measures for birds. Assuming the mitigation measures are in place during the construction and operation of Proposed Development, the residual effects

Policy Criteria	*Commentary*
	are considered to be non-significant. Chapter 10 finds no significant effects are predicted on the ornithological Important Ecological Features. Where necessary, additional mitigation can be secured through appropriate planning conditions.
Policy 11(e)(x) Impacts on trees, woods and forests.	There are no areas of commercial forestry within the PDA boundary. While an in-depth assessment of impacts on forestry was scoped out of the EIA in agreement with LLTNPA in December 2023, EIA Report Appendix 9.3 presents the results of an Arboricultural Impact Assessment (AIA). The AIA desk study identifies that there are areas classified as ancient woodland within the vicinity of the PDA. Parts of the woodlands to the north of Sloy Power Station are classified as native woodlands. The ancient woodland designation is unaffected by the Proposed Development. It is estimated that circa 2.38 ha of woodland requires to be removed to facilitate the Proposed Development. This includes clearing the spoil management area to the north of the new surface building and the removal of larch (as requested by LLTNPA) while maintaining a windfirm edge for the remaining woodland. The existing buffer of broadleaved trees (mainly birch) along the A82 frontage is proposed to be retained to maintain a visual screen. Once the spoil management area has been reprofiled, it will be replanted with native species to support habitat restoration (see EIA Report Figure 12.7: Landscape Proposals).
Policy 11(e)(xi) Proposals for the decommissioning of developments, including	Not relevant. The Applicant is seeking permission for a permanent use.

Policy Criteria	*Commentary*
ancillary infrastructure, and site restoration.	
Policy 11(e)(xii) The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.	Not relevant. The Applicant is seeking permission for a permanent use.
Policy 11(e)(xiii) Cumulative impacts.	Each chapter of the EIA Report considers the potential for and significance of cumulative impacts associated with the Proposed Development. The EIA Report considers the different environmental factors that will be impacted by the Proposed Development and identifies that there will be a small number of short term, significant cumulative landscape and visual effects around Inveruglas. This would affect the local character of the settled loch shore area and visual receptors including the Inveruglas Visitor Centre and Café (B5), the Three Lochs Way and Cowal Way (R6) and the car park area. The cumulative effects for all other visual receptors is predicted to be not significant. Following completion of construction, the landscape and visual effects will reduce to levels which are predicted to be not significant and would further reduce over time. The identified short term significant effects within a very localised area are not predicted to lead to any significant cumulative effects on the National Park or its Special Landscape Qualities.

Policy Criteria	*Commentary*
	No other significant cumulative effects are predicted as a result of the Proposed Development.

3.37. As this point-by-point assessment against Policy 11 part (e) demonstrates, most residual impacts associated with the Proposed Development are not considered to be significant. It is recognised, however, that the Proposed Development will give rise to some significant landscape and visual effects, which are considered to be temporary and would reduce to non-significant levels after construction works and the implementation of landscape mitigation. In considering these residual effects, it is important to recognise the existing use of the PDA as a hydroelectric scheme. The Proposed Development seeks to make use of the existing infrastructure which has environmental benefits, and will also be seen against this backdrop of established built form. The acceptability of these residual environmental effects is a matter of planning balance, which is discussed further in Section 5 'Conclusions'.

3.38. In considering Policy 11(e) in the round, it is relevant to note the comments of the Reporters in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2nd May 2023). In paragraph 9.129 of that report, the Reporters noted:-

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

3.39. This comment confirms that even if non-compliance with one or more criteria of Policy 11(e) were to be found, this does not equate to non-compliance overall.

3.40. Importantly, NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts *'are to be expected for some forms of renewable energy'*. Policy 11 also notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied.

3.41. In the absence of any guidance on what defines 'localised' within the context of this policy, the Applicant's position is that the significant landscape and visual effects of the Proposed Development could reasonably be described as 'very localised' (the term used in the LVIA), confined to the construction phase, and reducing as landscape mitigation and restoration matures over time.

3.42. In support of this position, reference is again made to the Reporters Report in respect of the Glendye Wind Farm, albeit recognising that proposal was for a different form of energy generation than the Proposed Development. In that case, the majority of significant landscape and visual effects were confined to 5km of the closest turbines. In paragraph 3.284 the Reporters stated that:-

'We consider these effects to be localised'.

3.43. Scottish Ministers agreed with those conclusions in their decision letter (27th October 2023) noting that these localised significant landscape and visual effects, do not outweigh the overall benefits of the proposal. By comparison, the identified significant effects (during construction only) for the Proposed Development extend to just 2.5km. On any reasonable interpretation, it is considered that this can be referred to as 'localised'.

3.44. Policy 11(e)(ix) refers to biodiversity and the positive effects that would arise as a result of the Applicant's proposed enhancements as set out in EIA Report Chapters 9 and 10. These matters are discussed further below in relation to NPF4 Policy 3.

3.45. To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-

'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets' (emphasis added).

3.46. Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that as a matter of national planning policy, they must give significant weight to the energy benefits (including pumped hydro storage) of a scheme in the planning balance (also set out in Policy 1, discussed below).

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

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

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

Other NPF4 Policies

3.49. NPF4 Policy 11 is the most relevant topic specific policy to the Proposed Development. Other NPF4 policies are relevant and NPF4 notes on page 98 that '*the policies should be read as a whole'.* The following paragraphs consider other NPF4 policies considered to be of relevance to the Proposed Development.

Policy 1: Tackling the Climate and Nature Crises

3.50. Policy 1 states in full that:-

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

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

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

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

3.54. The Proposed Development will convert the existing Sloy Hydroelectric Power Station into a pumped hydro storage scheme. When demand for electricity is low, excess renewable energy can be used to pump water from Loch Lomond to Loch Sloy, where it will be stored before being released through the existing Sloy Hydroelectric Power Station, generating electricity that is then exported to the grid. The Proposed Development is a national scale development in NPF4 (which is discussed further below). LDES, including pumped hydro storage, is a key contributor to a low carbon energy system. As well as providing electricity during extended periods of low renewable output, they provide a range of essential grid balancing services.

3.55. Drawing upon the previously referenced Glendye Wind Farm case, in discussing NPF4 Policy 1, there the Reporters noted in paragraph 9.109 of their report that:-

'The national development status of the proposed development, which clearly identifies that the proposal is capable of providing strategic-scale renewable energy generation, leads us to conclude that its contribution to the achievement of net zero must be given significant weight under the terms of the policy'.

3.56. Biodiversity improvements are an integral part of the Proposed Development, and the principles of the Applicant's approach are discussed below in Policy 3. The dual benefits of the Proposed Development in terms of contributing to decarbonising the wider energy system, coupled with the biodiversity enhancements proposed (see paragraph 3.60 below), will ultimately make a positive contribution to the Policy Outcome of Policy 1 which is to deliver *'Zero carbon, nature positive places'*. These factors allow the Applicant to draw strong support from Policy 1 for the Proposed Development.

Policy 3: Biodiversity

3.57. The Intent of Policy 3 is *'to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks'*. The Policy Outcomes are that *'biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions'.*

3.58. Policy 3 sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, *inter alia*, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *'national or major development or for development that requires an Environmental Impact Assessment'*. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity *'so that they are in a*

demonstrably better state than without intervention'. Part (b) continues and sets five criteria that proposals will be expected to meet. These are discussed in Table 3 below.

3.59. Before commenting on Policy 3(b), it is worth noting that the Scottish Government's Chief Planner issued a letter on 22nd November 2023[16] providing an update on various planning issues. Within that letter, the Chief Planner confirms that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3(b). Consultation on that research paper closed on 10th May 2024 and, therefore, for the time being, there is no standard agreed national metric for considering schemes against NPF4 Policy 3(b). The draft planning guidance published by the Scottish Government on 30th November 2023[17] states that in the absence of a universally adopted Scottish methodology/ tool, '*a flexible approach will be required'* (paragraph 4.12).

3.60. The Applicant is proposing biodiversity enhancements to ensure the Proposed Development meets the requirements of national and local planning policy. The following enhancements will be delivered:-

- Additional planting of diverse native trees, woodland and wildflower grassland to enhance the commuting and foraging resources for bat, badger, hedgehog, red squirrel, pine marten, invertebrates and birds. Plants and seeds of local provenance will be sourced to achieve the best biodiversity outcome;
- Incorporation of a range of additional bird and bat boxes to provide permanent nesting and roosting opportunities;
- The use of woodpiles formed from felled trees to encourage invertebrates and fungi which could also provide hibernation or refugia opportunities; and
- Eradication of invasive non-native plant species (INNPS) in the woodland to the north of Sloy Power Station and measures to prevent their re-establishment.

[16]https://www.gov.scot/publications/chief-planner-letter-stakeholder-update-autumn-2023/#:~:text=Published%2022%20November%202023&text=Planning%20Minister%2C%20Joe%20FitzPatrick%20MSP,which%20are%20being%20taken%20forward.

[17] https://www.gov.scot/publications/scottish-government-draft-planning-guidance-biodiversity/documents/

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

Policy Criteria	*Commentary*
Policy 3(b)(i) 'The proposal is based on an understanding of the existing characteristics of the Site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats'.	The design of the Proposed Development is based upon a thorough understanding of the PDA and its ecological context. EIA Report Chapter 3: 'Site Selection and Design Evolution' and the stand-alone Design Statement demonstrate how the Proposed Development site has been selected. EIA Report Chapters 8 – 10 explain the baseline ecological surveys that were undertaken to inform the design of the Proposed Development and to provide a platform for the EIA. EIA Report Chapter 3 confirms that the PDA has been selected due to its proximity to the existing Sloy Hydroelectric Power Station. The Proposed Development is located on the existing made ground within the Sloy Hydroelectric Power Station grounds which assists in minimising environmental impacts that may otherwise arise with a greenfield site. The above referenced EIA Report Chapters demonstrate that the layout of the Proposed Development has been informed by a significant understanding of the PDA built up through surveys, while applying technology specific operational requirements. This approach adopted is consistent with this policy requirement
Policy 3(b)(ii) 'Wherever feasible, nature-based solutions have been integrated and made best use of.'	NPF4 defines nature-based solutions as *'…actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits*'. The Proposed Development has identified areas for biodiversity enhancements, which are outlined in EIA Report Chapter 9: 'Terrestrial Ecology' and Chapter 10: 'Ornithology', in response to Policy 3. They include the additional planting of diverse, native trees, woodland and wildflower grassland; bird nesting boxes to provide permanent nesting opportunities; and bat boxes to provide roosting opportunities.
Policy 3(b)(iii)	Where adverse effects on biodiversity are identified, mitigation measures have been identified (Chapter 8, Section 8.9, Chapter 9,

Policy Criteria	*Commentary*
'An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements'.	Section 9.9 and Chapter 10, Section 10.9). Recommendations have been made within the EIA to reduce the impacts of the proposal on a range of habitats, aquatic species, aquatic plants, fauna, terrestrial plants and wildlife within the PDA. A CEMP will be produced to detail the environmental management during the construction phase of the Proposed Development. There is possibility that a small number of otter, bat, badger, pine marten, red squirrel, Atlantic salmon, brown/ sea trout, European eel, powan, amphibians, reptiles, birds, and/or invertebrates will experience minor disturbance or displacement from a small area of habitat during the construction phase, however, it is not considered likely to affect the conservation status of the population in a local, natural or international context. Following implementation of the mitigation, compensatory and enhancement measures, the EIA chapters collectively conclude that there are no significant effects on Important Ecological Features. Where mitigation is proposed, monitoring during construction and operation will take place to allow adaption of mitigation measures where necessary.
Policy 3(b)(iv) 'Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-	EIA Report Chapter 9: 'Terrestrial Ecology' and Chapter 10: 'Ornithology' outline the biodiversity enhancement measures put forward with the Proposed Development. The Preliminary Ecological Appraisal (Appendix 9.1) identifies opportunities for Biodiversity Gain through increasing the roosting resources for bats and nesting resources for birds. The use of woodpiles formed from felled trees would encourage invertebrates and fungi which could also provide hibernation or refugia opportunities. Further, the assessment advises that vegetation planting should include a range of native species that encourages invertebrates and bats, to provide additional cover and foraging opportunities for badgers.

Policy Criteria	*Commentary*
term retention and monitoring should be included, wherever appropriate'.	Invasive species in the woodland to the north of Sloy Power Station will undergo control and eradication and will be routinely monitored during the creation and establishment of compensatory habitats.
Policy 3(b)(v) 'Local community benefits of the biodiversity and/or nature networks have been considered'.	The focus of the Applicant's enhancement measures has been on securing biodiversity and nature conservation benefits. Should consent be granted, the Applicant proposes to deliver a Community Benefit Fund. Monies would be used to support local projects, which could include nature conservation-related initiatives.

3.61. Policy 3(d) requires that any potential adverse impacts (including cumulative) on biodiversity, nature networks and the natural environment should be minimised through the design process, taking into account the need to, *inter alia*, reverse biodiversity loss, enhance nature networks and maximise the potential for restoration. The Applicant has clearly complied with this policy through the use of biodiversity enhancement and mitigation measures to ensure that where impacts on biodiversity and habitats may arise, the impacts are minimised.

3.62. The iterative approach to site design is explained in EIA Report Chapter 3: 'Site Selection and Design Evolution', resulting in a development that gives rise to very few significant adverse effects. There is possibility that a small number of otter, bat, badger, pine marten, red squirrel, Atlantic salmon, brown/ sea trout, European eel, powan, amphibians, reptiles, birds, and/or invertebrates will experience minor disturbance or displacement from a small area of habitat. This is not considered to affect the conservation status of populations in a local, national or international context.

3.63. Overall, EIA Report Chapters 8-10 conclude that the various measures set out in the EIA Report will result in benefits to the biodiversity within the PDA and beyond. The woodland reinstatement, INNS management and proposed native woodland planting will result in the PDA being in a demonstrably better state than without intervention.

Policy 4: Natural Places

3.64. This policy sets the basis for assessing applications that affect European natural heritage designations, such as Special Protection Areas (SPAs), as well as proposals affecting National Parks and National Scenic Areas (NSAs) and also national and local level natural heritage and landscape designations. The Policy Intent is to *'protect, restore and enhance natural assets making best use of nature-based solutions*'. There are two Policy Outcomes namely (i) *'natural places are protected and restored'* and (ii) *'natural assets are managed in a sustainable way that maintains and grows their essential benefits and services'.*

3.65. While consent is sought for the PHS scheme, environmental enhancement measures form an integral part of the proposal. Those measures are set out in Chapters 9 and 10 of the EIA Report and have been taken into account, where appropriate, in the various assessments set out in the EIA Report.

3.66. Part (a) states that proposals that have an 'unacceptable' impact on the natural environment will not be supported. Considering what is and is not acceptable about a particular development is a matter of planning judgement, considering a wide range of factors including project benefits. As NPF4 notes on page 98 '*Planning is complex and requires careful balancing of issues'.* The acceptability of the environmental impacts of the Proposed Development are addressed in Section 5 'Conclusions'.

3.67. Parts (b), (c) and (d) of Policy 4 relate to European, national and local level designations respectively. EIA Report Figure 9.1 shows the location of various natural heritage designation relative to the PDA. EIA Report Figure 12.2 shows that the PDA is located within Loch Lomond and the Trossachs National Park and Loch Lomond National Scenic Area.

3.68. As far as European natural heritage designations are concerned, the only designation not scoped out of detailed assessment is the Loch Lomond Woods Special Area of Conservation (SAC). While no direct impacts are expected on its qualifying features, Section 9.8.1 of EIA Chapter 9 notes that there is potential for pollution during construction and operation to negatively impact otter and the habitat/food sources they use within the PDA. Following mitigation (e.g. adherence to SEPA pollution prevention guidelines) however, there is not predicted to be any overall effects on otter or their conservation objectives. No impacts on the western acidic oak woodland qualifying features of the SAC or their conservation objectives are anticipated due to the distance between the SAC and the PDA. On this basis, the Proposed Development is considered to comply with Policy 4(b).

3.69. Part (c) relates to national level designations, including SSSIs, National Parks and NSAs. This states that proposals will only be supported where the objectives of the designation and overall integrity of the area will not be compromised, or, any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

3.70. EIA Report Chapter 12 explains that there are no individual Special Landscape Qualities (SLQs) identified for the NSA, because those identified for the National Park are considered to cover this. As such, the two designations have been assessed together. SLQ's are defined as being *'…the characteristics that, individually or combined, give rise to an area's outstanding scenery*[18]*'*. The LVIA assesses two types of SLQs - those defined for the National Park as a whole and those relating specifically to the Loch Lomond area – and concludes that the effects will not be significant during either construction or operation. Whilst some temporary significant effects to landscape character and visual receptors are predicted during construction, these would occur within a very localised area around the Proposed Development and are not likely to affect the wider appreciation of the surrounding landscape and presence of SLQs.

3.71. In terms of SSSIs and National Nature Reserves (NNRs), which are both national scale designations, EIA Report Chapter 9 'Terrestrial Ecology' confirms in Table 9.1 that impacts on these designations were scoped out of the EIA due to a lack of predicted significant effects and their distance from the PDA.

3.72. On the basis of these comments on national scale designations, it is considered that the Proposed Development complies with Part (c) of Policy 4. Those effects that have been identified are considered to be clearly outweighed by the long duration storage benefits of the proposal. These are important factors to consider as part of any appraisal against part (ii) of Policy 4(c).

3.73. Policy 4 Part (d) deals with local landscape designations and local nature conservation sites. This part of Policy 4 sets two considerations for decision makers when assessing proposals that affect local designations. The policy states that such proposals will only be supported where:-

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

[18] The Special Landscape Qualities of Loch Lomond and the Trossachs National Park, Nature Scot (2010). Available at: https://www.nature.scot/doc/naturescot-commissioned-report-376-special-landscape-qualities-loch-lomond-and-trossachs-national

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

3.74. There are no local landscape or nature conservation designations likely to be affected by the Proposed Development and so no assessment of the potential effects upon these designations was undertaken. In light of the above comments, it is concluded that the Proposed Development is consistent with Policy 4(d).

3.75. Part (f) of Policy 4 relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development and potential impacts must be fully considered prior to the determination of any application. As demonstrated in the EIA Report Chapters 8, 9 and 10, subject to mitigation, no significant adverse effects on Important Ecological Features are identified.

3.76. Part (g) of Policy 4 relates to WLAs. WLA 7 is located to the north-east of the PDA and within the LVIA Study Area. Given the location of the Proposed Development adjacent to the existing power station, and in a part of the landscape where other development is clearly present, a WLA Assessment of WLA 7 was scoped out in agreement with LLTNPA, as it is considered that effects on wildness and wild land within the WLA are very unlikely to be significant. Part (g) of Policy 4 is not therefore engaged in this assessment.

Policy 5: Soils

3.77. The Intent of Policy 5 is to *'protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development'*. One of the Policy Outcomes seeks that *'valued soils are protected and restored'.*

3.78. The Proposed Development is adjacent to the existing Sloy Hydroelectric Power Station, and the new surface building will be located on made ground to the north of the power station. As detailed in EIA Report Chapter 11 Solis, Geology and Water Environment, no peat rich soils are located within the PDA that would be adversely affected by the Proposed Development and no significant residual effects on soils are anticipated, which is consistent with Policy 5 requirements.

Policy 6: Forestry, Woodland and Trees

3.79. The intent of Policy 6 is to *'protect and expand forests, woodland and trees'*. One of the Policy Outcomes is that '*existing woodland and trees are protected, and cover is expanded'*.

3.80. The Proposed Development will necessitate the removal of 2.38 ha of woodland to the north of the existing

Sloy Hydroelectric Power Station. The woodland that will be removed is generally considered to be in poor condition as a result of grazing pressures and the presence of INNPS. LLTNPA has recommended that the larch within this area be felled to limit the spread of disease associated with this species. This has resulted in a larger area of tree removal than required to facilitate the Proposed Development. The Applicant has undertaken a review of the woodland to determine the extent of the felling. The review confirmed that the existing buffer of broadleaved trees along the A82 could be retained to maintain a visual screen. The Ancient Woodland to the south of the PDA will not be impacted as a result of the Proposed Development.

3.81. As illustrated on EIA Report Figure 12.7, a comprehensive programme of compensatory tree planting (using native species) is proposed.

Policy 7: Historic Assets and Places

3.82. This policy sets out the framework for assessing the impact of development proposals on a wide range of cultural heritage receptors. The Intent is *'to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places*'. Policy Outcomes include that *'the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change'.*

3.83. As required by part (a), an historic environment assessment has been undertaken and the conclusions are presented in EIA Report Chapter 15: 'Cultural Heritage'.

3.84. As discussed in the earlier commentary on NPF4 Policy 11, the assessment identifies that construction works will affect the existing northern gates, gate piers and a short section of wall forming part of the Category A Listing. To facilitate construction, it is proposed that they be temporarily removed (following a photographic record) and fully reinstated once works are complete. Listed Building Consent is required for these works and will be subject to further discussion with LLTNPA and HES. Listed Building Consent will also be required to modify the drystone wall that surrounds the penstocks to the rear of the power station building. This wall will be reinstated on completion of construction, with only a small section lost where the new pumped supply pipe cuts directly through it. The proposed construction compound/ site establishment area and spoil storage area to the north of the existing power station and associated tree felling work could affect the Old Military Road, included on the HER register, within the existing woodland. Mitigation measures including preservation in situ, are proposed in relation to this asset. Subject to adherence to the

recommended mitigation measures, no significant effects during construction are identified.

3.85. During its operational lifetime, the Proposed Development is not predicted to result in significant effects on the setting of Inveruglas Castle (Scheduled Monument) or Sloy Awe Hydro Electric Scheme, Sloy Power Station (Category A Listed). The impact on the settings of four Category C Listed buildings within the Cultural Heritage Outer Study Area is assessed as being negligible (not significant). There is no predicted visibility of the Proposed Development from the remaining Listed building (Category B) within the Outer Study Area.

3.86. Given the distance between the identified cumulative developments and the extent of the heritage assets, there is no potential for cumulative construction effects from the Proposed Development in combination with other developments predicted.

3.87. Overall, the assessment has concluded that following mitigation, the Proposed Development will not have significant residual effects on cultural heritage. Accordingly, no conflicts with Policy 7 are predicted.

Policy 14: Design Quality and Place

3.88. The Intent of Policy 14 is to '*encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle'.* It supports development which is consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptive.

3.89. The Proposed Development has been carefully designed to ensure the new surface building fits into the protected landscape and minimises visual impacts. A high quality contemporary building has been proposed, located perpendicular to the existing power station. The design of the building has been discussed with HES and LLTNPA to ensure the proposal does not dominate the Category A Listed buildings and related structures. The accompanying Design Statement provides a detailed description of the design process and the consultation that has been held.

3.90. It is considered that the Proposed Development complies with Policy 14 and has been designed to ensure that the high landscape quality of the Loch Lomond area and the setting of the Listed Sloy Awe Hydro Electric Scheme, Sloy Power Station, are not diminished through modern design.

Policy 22: Flood Risk and Water Management

3.91. The policy intent of Policy 22 is to '*strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.'* There are three policy outcomes which include '*water resources are used efficiently and sustainably.'*

3.92. Part (c) states that development proposals will:-

I. *'not increase the risk of surface water flooding to others, or itself be at risk;*
II. *manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;*
III. *seek to minimise the area of impermeable surface.'*

3.93. Commentary in relation to water and flood management is set out in EIA Report Chapter 11: 'Soils, Geology and Water Environment'. As noted in the earlier commentary on Policy 11, a Flood Risk Assessment was scoped out of EIA. It is important to recognise here that the Proposed Development seeks to modify an existing hydroelectric scheme to a pumped hydro storage facility. As noted previously, no new works are required at Loch Sloy to enable the Proposed Development. Any potential increase in flood risk arising from the operation of the Proposed Development will be regulated by the Varied CAR licence and the Reservoirs Act and thus, would be mitigated. The Proposed Development is therefore considered to be compliant with Policy 22.

Policy 23: Health and Safety

3.94. The Intent of Policy 23 is *'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing*'. There are three Policy Outcomes including that *'safe places protect human health and the environment'*.

3.95. Part (d) confirms that *'development proposals that are likely to have significant adverse effects on air quality will not be supported'*, while part (e) states that *'development proposals that are likely to raise unacceptable noise issues will not be supported'.*

3.96. In relation to the Proposed Development, potential impacts upon human health could arise from noise and

vibration, mainly during the construction phases. Commentary on these matters is set out in EIA Report Chapter 14: 'Noise and Vibration' and is discussed previously in relation to Policy 11(e)(i). A noise assessment has been undertaken which identifies the location of potentially noise sensitive receptors within the vicinity of the Proposed Development and then assesses potential noise and vibration impacts.

3.97. Six noise sensitive receptors were identified within 1.5km of the Proposed Development (see EIA Figure 14.1) which were assessed for noise impacts. A recommendation has been made that appropriate vibration level limits are set and that a scheme of vibration monitoring is agreed prior to construction work commencing. This requirement can be met through a planning condition. No significant effects from noise are anticipated during operation or construction.

3.98. The effects of the Proposed Development on air quality were scoped out of the EIA as they were not considered to be significant. Nevertheless, the Applicant is committed to adopting good practice measures for dust management during the construction phase which is set out in the OCEMP (EIA Report Appendix 4.2).

3.99. Overall, it is considered that no conflicts arise with Policy 23.

Policy 25: Community Wealth Building

3.100. The Intent of Policy 25 is *'to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels'*. Policy Outcomes include '*support local employment and supply chains'* and *'support community ownership and management of buildings and land'*.

3.101. Part (a) of the policy states that proposals that contribute to local or regional community wealth building strategies will be supported.

3.102. Chapter 4: 'Description of Development' states that the Proposed Development will support national and local economic benefits. This includes up to 70 full time equivalent jobs at peak construction on site. In terms of the GVA effect of this level of employment, the Scottish Annual Business Statistics 2021 reports a GVA per head for the Civil Engineering sector in Argyll and Bute as £82,339. Preference will be expressed in contract documents for local sub-contractors and suppliers where possible.

3.103. The Proposed Development will support the existing operational employment at the Sloy Hydroelectric Power Station and at the Hydro Operation Centre in Perth where existing staff will be trained to maintain the new pumping facility. This skills development for existing staff will help to broaden operational experience. The Proposed Development further illustrates the Applicant's commitment to securing long-term employment in the region. There will be need for additional support for ongoing maintenance which could bring opportunities for the local supply chain. Sloy/Awe already has a successful apprenticeship and traineeship programme with two full time employees (FTE) currently undergoing training programmes within the Sloy section. The Applicant intends to expand this programme during the operational phase of the Proposed Development, leveraging the addition of pumped hydro storage at Sloy to enhance training opportunities for both apprentices and trainees. Additionally, this development will complement SSE's adult craft programme, which provides upskilling pathways for existing employees and supports the career progression of the local workforce.

3.104. SSE Renewables is committed to having a Community Benefit Fund for the Sloy Pumped Hydro Storage Scheme. SSE Renewables has a proven track record of delivering community benefit as part of its long-term development and refurbishment programmes. It is anticipated that the Community Benefit Fund for the Proposed Development would be a six-figure sum based on current estimates of the overall capital cost of the development, with 50% made available to local community projects during the construction phase of the project and the remaining 50% made available through the wider SSE Renewables Hydro Community Fund, which is open to applications for funding from communities across the entire SSE Renewables hydro estate.

NPF4 Part 3 - Annex A 'Outcomes'

3.105. Part 3, Annex A confirms that *'NPF4 is required by law to contribute to 6 outcomes'* (page 95). These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:-

(a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,

(b) improving the health and wellbeing of people living in Scotland,

(c) increasing the population of rural areas of Scotland,

(d) improving equality and eliminating discrimination,

(e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and

(f) securing positive effects for biodiversity.

3.106. The Proposed Development can contribute positively to Outcomes (e) and (f) by increasing the duration of renewable electricity generation from the existing Sloy Hydroelectric Power Station while delivering biodiversity improvements including native woodland planting. It may also help with Outcomes (c) and (d) through the creation of employment opportunities during the three-year construction period which will help retain and possibly attract people to this part of the National Park.

3.107. The main benefits of the Proposed Development will however be to help to deliver statutory targets for net-zero GHG emissions, support more renewable energy generation and contribute to more secure energy supplies. These are material factors in support of the case for granting consent.

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

3.108. This part of NPF4 identifies 18 National Developments which are described as '*significant developments of national importance that will help to deliver our spatial strategy'.*

3.109. Of relevance to the Proposed Development is National Development 2 '*Pumped Hydro Storage'*. NPF4 confirms that this class of National Development '*supports additional capacity at existing sites as well as at new sites'*. Several types of development are identified which qualify for National Development status including:-

- (b) *'new and/or upgraded electricity generating plant structures or buildings';*
- *(c) 'new and/or upgraded pump plant structures or buildings'; and*
- *(d) 'new and/or expanded and/or upgraded water inlet and outlet pipework'.*

3.110. Within the commentary on National Development 2, NPF4 states *that 'depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.'*

3.111. NPF4 also confirms that proposals within this National Development category will '*support the delivery of sustainable places'* (page 7). The National Development status of the Proposed Development must be

accorded considerable weight in consideration of the application, recognising the national importance of the Proposed Development which makes full use of the LDES capacity of Loch Sloy with up to 100MW of pumping capacity and the ability to increase the load factor of the existing Sloy Hydroelectric Power Station.

NPF4 Part 3 – Annex C 'Spatial Planning Priorities'

3.112. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.

3.113. Loch Lomond and the Trossachs National Park falls within the 'North and West Coast Islands' Regional Area and NPF4 states that this area of Scotland should maximise the benefits of renewable energy. Page 123 of NPF4 recognises that this area has significant opportunities for investment that capitalise on its natural assets. NPF4 continues to state that '*to significantly reduce greenhouse gas emissions, more onshore and offshore renewable energy generation will be needed*'.

3.114. One of the priorities for this area identified on page 23 of NPF4 is to *'maximise the benefits of renewable energy whilst enhancing blue and green infrastructure, decarbonising transport and building resilient connections'.* The Proposed Development can assist in achieving these regional objectives, while making a positive contribution to wider national efforts to combat the climate emergency and nature crisis.

The Loch Lomond and the Trossachs National Park Local Development Plan (LLTNPLDP) 2017-2021 (adopted 2016)

3.115. This section considers the LLTNPLDP policies of most relevance to the Proposed Development. As already noted, in the event of any incompatibility (which is not defined) between an NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document. Inevitably, there is some overlap between the aims and objectives of LLTNPLDP policies and the previously discussed NPF4 policies. To avoid unnecessary duplication, where LLTNPLDP policies raise matters already discussed in relation to NPF4, cross reference will be made to the earlier national policy appraisal.

3.116. The LLTNPLDP Renewable Energy Policy 1 is the 'lead' policy for the assessment of the Proposed Development. It is acknowledged that the Proposed Development is required to be assessed 'in the round' against all policies in the LLTNPLDP, however Renewable Energy Policy 1: Renewable Energy in the

National Park is the key topic specific policy against which to assess the Proposed Development, noting also its hydro energy specific criteria.

3.117. Other LLTNPLDP policies considered relevant to the Proposed Development are listed below, but the appraisal starts by considering Renewable Energy Policy 1:

- Overarching Policy 1: Strategic Principles;
- Overarching Policy 2: Development Requirements;
- Overarching Policy 3: Development Contributions;
- Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact;
- Natural Environment Policy 2: European Sites - Special Areas of Conservation and Special Protection Areas;
- Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites;
- Natural Environment Policy 4: Legally Protected Species;
- Natural Environment Policy 5: Species and Habitats;
- Natural Environment Policy 6: Enhancing Biodiversity;
- Natural Environment Policy 8: Development Impacts on Trees and Woodlands;
- Natural Environment Policy 11: Protecting the Water Environment;
- Natural Environment Policy 12: Surface Water and Waste Water Management;
- Historic Environment Policy 1: Listed Buildings;
- Historic Environment Policy 6: Scheduled Monuments and other Nationally Important Archaeological Sites;
- Historic Environment Policy 7: Other Archaeological Resources; and
- Transport Policy 3: Impact Assessment and Design Standards of New Development.

<u>Renewable Energy Policy 1: Renewable Energy within the National Park</u>

3.118. At its core, Renewable Energy Policy 1 supports the development of renewable energy, where the siting, design, scale and access arrangements of a proposal will not have a significant adverse impact on landscape or visual amenity, woodlands/ forestry, biodiversity, the water environment, cultural heritage, air quality, traffic and transport, recreation and access and residential amenity.

3.119. The Applicant is proposing to convert an existing hydroelectric scheme into a pumped hydro storage scheme to increase the load factor of the existing hydroelectric power scheme from 10% to (up to) 20%. The Applicant carried out a review of potential greenfield pumped storage schemes and assessed the feasibility of converting its existing operational assets to pumped hydro storage, taking into account environmental, planning and technical considerations. Sloy Hydroelectric Power Station was identified as a good location for conversion to PHS with the increased load factor allowing the existing scheme to deliver national scale renewable energy benefits with environmental enhancements.

3.120. Renewable Energy Policy 1 states that all renewable energy developments must be assessed with regard to the Overarching Policies and related LDP Policies and the Renewable Energy Planning Guidance. These policy criteria seek to ensure that a proposal is located, sited and designed such that they will not be significantly detrimental overall, individually, or cumulatively with other developments.

3.121. The criteria set out on page 110 of the LLTNPLDP in relation to hydro power largely reflect the criteria of NPF4 Policy 11(e) however, it also provides advice relating to design considerations. In the case of the Proposed Development, these criteria are considered to relate to the new surface building, access requirements and other supporting infrastructure which should ensure it does not generate a significant adverse impact. These design criteria are assessed in relation to the Proposed Development below.

Table 4 - Commentary on LDP Renewable Energy Policy 1

Renewable Energy Policy 1 *Hydro Energy Additional Criteria*		*Comments*
A	Engineering works, the siting, design or scale of the powerhouse, headponds, weirs, penstocks and tailraces other ancillary buildings or works, access requirements and other support infrastructure do not generate significant adverse impact, and	The Proposed Development has been thoughtfully designed to take full account of the setting of the adjacent Listed building and structures and the wider high quality landscape. As set out in the accompanying Design Statement, the new surface building has been carefully designed with high quality materials to ensure there are minimal visual impacts. Being sited within the curtilage of the existing Sloy Hydroelectric Power Station means that

		much of the infrastructure required for a pumped storage scheme is already in place, minimising the need for new infrastructure, and by association reducing environmental impacts that might otherwise arise.
B	Does not alter the river profile and the water supply to the powerhouse would not result in an inadequate flow of water in any stream which would reduce its ecological value or visual attractiveness as a natural feature, and	This criterion appears to relate to 'run of river' hydro schemes. No alterations to watercourses are proposed as part of the Proposed Development.
C	Pipes to, and power lines from, the powerhouse are placed underground, and	The Proposed Development has been designed to make use of the existing infrastructure of the Sloy scheme and complies with this objective.
D	Sufficient landscape measures are included to integrate the proposal into the landscape setting and reinstatement measures are taken to restore the physical conditions of the site when construction is complete.	As illustrated on EIA Report Figure 12.7, a comprehensive landscaping scheme is proposed as an integral element of the Proposed Development. A CEMP will be produced to facilitate the construction phase detailing the environmental management and monitoring measures, this will include appropriate measures to ensure the PDA is fully restored following completion of construction.

3.122. The fact that the Proposed Development is located within the grounds of the existing hydroelectric power station helps in minimising the spread and significance of potential environmental impacts. The design of the new surface building has been carefully considered in the context of the existing Listed structures on site, as well as taking cognisance of the location of the PDA within the National Park and NSA. The EIA Report submitted to support this application has found that the Proposed Development will give rise to no significant adverse impacts on the setting of cultural heritage assets or protected species that cannot be

overcome through mitigation and screening measures. The significant landscape effects identified are restricted to a very localised area throughout the construction phase and are not predicted to lead to any significant effects on the National Park or its Special Landscape Qualities.

3.123. The key test set by Renewable Energy Policy 1 is whether having considered all material factors, a proposal is considered to '*not have a significant adverse impact either individually or cumulatively'* on landscape and visual, biodiversity, the water environment, woodlands and forestry, traffic and transport, residential amenity, recreation and access and cultural heritage receptors. In considering this key question, it is imperative to note the following:-

- The Proposed Development is located within the grounds of the existing Sloy Hydroelectric Power Station. As such, much of the infrastructure required is already in place, albeit an additional building and plant are required to convert the existing scheme to pumped hydro storage. Environmental impacts arising from the Proposed Development will be viewed in the context of the existing facility which helps reduce impacts and makes best use of existing infrastructure;
- The Proposed Development complies with the policy criteria relating to careful siting and design, landscape mitigation and biodiversity enhancement measures;
- When considered 'in the round', the positive assessment against the NPF4 Policy 11 (e) criteria, which cover a range of similar matters to the Renewable Energy Policy 1 criteria;
- The Proposed Development will play an important role in the move to a more flexible and resilient energy system, which will increasingly be dominated by renewable energy technologies over the coming years. In this respect, the Clean Power 2030 Action Plan (discussed further in Section 2 of this Statement) advises that LDES, including pumped hydro storage, is a key enabler to deliver a low carbon energy system and its deployment needs to be scaled up;
- The Proposed Development will help contribute to more secure energy supplies by increasing the proportion of 'home grown' low carbon electricity, reducing our reliance on imported fuels;
- There would be no significant effects upon any protected species following mitigation; and
- There would be no significant effects upon archaeology or significant effects upon the setting of any cultural heritage assets following construction.

3.124. In light of these factors, it is considered that the small number of temporary significant impacts associated with the Proposed Development during the construction phase of the development are not considered to

result in a '*significant adverse impact'* on the National Park designation. Therefore, it is considered the Proposed Development is acceptable in relation to LLTNPLDP Renewable Energy Policy 1.

Other LLTNPLDP Policies

3.125. This section considers other relevant LLTNPLDP policies. It should be noted however that the topic areas are already largely contained within the 'lead' energy policy (Renewable Energy Policy 1) and so only brief commentary is provided.

Overarching Policy 1: Strategic Principles

3.126. Overarching Policy 1 states that all development in the National Park should contribute towards it being a successful, sustainable place; a low carbon place; a natural, resilient place; and, a more connected place.

3.127. Under the successful, sustainable place objective, the policy refers to the four aims of National Parks, as set out in statute. If a proposal appears to be in conflict with the second, third and fourth aims, the policy advises that greater weight is to be given to the first aim which is *to "conserve and enhance the natural and cultural heritage of the area"*. For the reasons set out in Table 2 of this Statement, it is considered that the Proposed Development complies with this first aim. It is also considered that the Proposed Development contributes to the second and fourth aims in that it makes use of a sustainable natural resource and offers social and economic opportunities for local communities. The third aim is not considered to apply to the Proposed Development.

3.128. Overall, insofar as they are applicable, the Proposed Development is considered to meet the requirements of Overarching Policy 1 in terms of contributing towards the goals of creating a sustainable, low carbon, natural, resilient place, whilst helping to address the climate emergency.

Overarching Policy 2: Development Requirements

3.129. Overarching Policy 2 states that proposals should not conflict with nearby land uses and where relevant should address the requirements of the policy as set out below.

Table 5 – Commentary on LDP Overarching Policy 2 Criteria

Overarching Policy 2 Criteria	*Comments*
Landscape & Visual Amenity: safeguard visual amenity and important views, protect and/or enhance rich landscape character, and features and areas specifically designated for their landscape values at any level;	As detailed in Table 2, while the Proposed Development will give rise to some significant landscape and visual effects, these are considered to be temporary and would reduce to non-significant levels after construction works and the implementation of landscape mitigation. In considering these residual effects, it is important to recognise the existing use of the site as a hydroelectric scheme. The Proposed Development seeks to make use of the existing infrastructure already in situ here, which has environmental benefits. The National Park and NSA designations and their related Special Landscape Qualities have been thoroughly assessed in EIA Chapter 12 LVIA and the conclusion is that there will be no long-term significant adverse effects.
Amenity and Environmental Effects: avoid any significant adverse impacts of; flooding, noise/vibration, air emissions/ odour/fumes/dust, light pollution, loss of privacy/sunlight/daylight;	Following mitigation and adherence to best practice construction techniques, no significant residual adverse effects on these criteria are predicted.
Historic Environment: protect and/or enhance the character, appearance and setting of the historic environment;	Listed Building Consent will be required from LLTNPA for i) the temporary removal and reinstatement of the boundary wall, gates and gate piers during construction, and ii) works to the drystone wall surrounding the penstock to the rear of the exiting power station. These direct effects are assessed as being of low magnitude, resulting in an adverse effect of minor significance (not significant).

Overarching Policy 2 Criteria	*Comments*
	The proposed construction compound/ site establishment area and spoil management area to the north of the existing power station and associated tree felling work could affect the Old Military Road. Mitigation measures including preservation in situ are proposed. Following mitigation, the direct effects reduce to not significant. The Proposed Development will not have significant impacts on the character, special architectural and historical interest of the Listed Sloy Awe Hydro Electric Scheme, Sloy Power Station, during the operational period.
Natural Environment: protect and/or enhance the biodiversity, geodiversity, water environment, sites and species designated at any level (international, national or local) including ancient and semi-natural woodland, green infrastructure and habitat networks;	As discussed in the assessment against NPF4 policies above, the Proposed Development is not predicted to result in any adverse effects on any natural heritage designations. Following mitigation, no residual significant adverse effects on protected species are predicted. No ancient woodland will be affected by the Proposed Development. It is estimated that circa 2.38 ha of woodland requires to be removed to facilitate the Proposed Development. The extent of felling proposed is influenced by a request from LLTNPA to undertake preventative felling of larch due to *Phytophthora ramorum*. The existing buffer of broadleaved trees (mainly birch) along the A82 frontage is proposed to be retained to maintain a visual screen. Once the spoil management area has been reprofiled, it will be replanted with native species to support

Overarching Policy 2 Criteria	*Comments*
	habitat restoration and habitat networks (see EIA Report Figure 12.7).
Sustainable Travel: support Active Travel choices where possible (prioritise walking, cycling and public transport use over car use) and transport infrastructure; Safe Access and Parking: provide safe road access and appropriate parking provision	Active travel links are not relevant to the Proposed Development. Car parking provision will be made available for staff on site and be managed through a Staff Travel Plan if deemed necessary. The proposed construction access junction with the trunk road has been designed to ensure safe access and egress during the works.
Visitor and Recreational Experience: promote understanding and enjoyment (including recreation) of the special qualities of the area by the public including safeguarding access rights;	There will be temporary significant effects on the Inveruglas Visitor Centre overflow car park during construction, however during operation there are no predicted significant impacts. An OAMP will be put in place and will be reviewed and updated as necessary prior to construction.
Design & Placemaking: achieve a high quality design and layout, provide a positive sense of place, and compliment local distinctiveness;	As detailed in the accompanying Design Statement, the new surface building has been carefully designed to respect the high quality landscape setting of the PDA. The form, massing and finishing materials have been influenced by the design principles applied to the adjoining Listed Sloy Awe Hydro Electric Scheme, Sloy Power Station buildings to deliver visual cohesion and reinforce the established characteristics of the PDA.

Overarching Policy 2 Criteria	*Comments*
Social Wellbeing and Economic Vitality: adaptable for the changing needs of future users, designing for extreme weather, fulfil disabled requirements, support new businesses, training/jobs for local people and a mix of uses/tenures, and	Insofar as these criteria are relevant, it is considered that the Proposed Development compares favourably. Once operational, the Proposed Development will support existing employment at Sloy Power Station. Refer also to the commentary in relation to NPF4 Policy 25 on community wealth building earlier in this section.
Climate Friendly Design: demonstrate how proposed buildings will meet a reduction in greenhouse gas emissions through; a) Minimising overall energy requirements through conservation measures, and b) Incorporating on-site low and zero carbon generating technologies to meet 10% of the overall energy requirements of the building rising to 20% by December 2021.	The Proposed Development is to convert an existing hydroelectric power station to a pumped hydro storage scheme which will make a positive contribution towards a low carbon energy system while also balancing the grid. As set out in the Design Statement, the new surface building will be designed to ensure sustainability through environmental and sustainable building initiatives wherever feasible.

3.130. Taking the above into account, it is considered that the Proposed Development meets the requirements of Overarching Policy 2.

Overarching Policy 3: Development Contributions

3.131. Overarching Policy 3 states that developer contributions may be required for public infrastructure, public services, or to address the adverse environmental impacts. Where identified, contributions may be sought for affordable housing, education provision, transport infrastructure, water and sewage infrastructure, open space, community facilities, waste management and natural and historical heritage.

3.132. On the basis that no new infrastructure, over and above that proposed within the PDA itself, is required to facilitate the Proposed Development, no developer contributions are deemed necessary.

Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact

3.133. Natural Environment Policy 1 aims to protect the Special Landscape Qualities (SLQs) of the National Park in accordance with 'The Special Landscape Qualities of Loch Lomond & the Trossachs National Park' (SNH 2010). The policy continues that proposals will be required to be sympathetic to their setting and minimise visual impact, including areas of wild land character and Wild Land Areas.

3.134. The LVIA (EIA Chapter 12) assesses two types of SLQs - those defined for the National Park as a whole and those relating specifically to the Loch Lomond area – and concludes that the effects will not be significant during either construction or operation. Whilst some temporary significant effects to landscape character and visual receptors are predicted during construction, these would occur within a very localised area around the Proposed Development and are not likely to affect the wider appreciation of the surrounding landscape and presence of SLQs.

3.135. Although WLA 7 is located to the north-east of the PDA and within the LVIA Study Area, given the location of the Proposed Development adjacent to the existing power station, and in a part of the landscape where other development is clearly present, a WLA Assessment of WLA 7 was scoped out in agreement with LLTNPA, as it is considered that effects on wildness and wild land within the WLA are very unlikely to be significant.

3.136. As such, it is considered that the Proposed Development meets the requirements of Natural Environment Policy 1.

Natural Environment Policy 2: European Sites – Special Areas of Conservation and Special Protection Areas

3.137. Natural Environment Policy 2 states that development likely to have a significant effect on a European site that is not directly connected with or necessary to their conservation management will be subject to an assessment of the implications for the site's conservation objectives. The policy sets criteria for circumstances where said assessment concludes that a proposal will affect the integrity of the site, either individually or cumulatively.

3.138. The only European natural heritage designation not scoped out of detailed assessment is the Loch Lomond Woods SAC. While no direct impacts are expected on its qualifying features, Section 9.8.1 of EIA Chapter

9 notes that there is potential for pollution during construction and operation to negatively impact otter and the habitat/food sources they use within the PDA. Following mitigation however, there is not predicted to be any overall effects on otter or their conservation objectives. No impacts on the western acidic oak woodland qualifying features of the SAC or their conservation objectives are anticipated due to the distance between the SAC and the PDA. The Proposed Development is therefore considered to comply with Natural Environment Policy 2.

Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

3.139. Policy 3 states that development that affects a SSSI, RAMSAR site or NNR will only be permitted where:

- *"there is an overall enhancement of the site for the reasons it was designated, or*
- *there is no adverse effect on the site that would compromise the objectives and overall integrity of the designated area, or*
- *any adverse effects of the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance"*.

3.140. EIA Report Chapter 9 'Terrestrial Ecology' confirms in Table 9.1 that impacts on SSSIs, RAMSAR sites and NNRs were scoped out of the EIA due to a lack of predicted significant effects on these designations and their qualifying features, and the scale and distance of the Proposed Development from them. Natural Environment Policy 3 is therefore not engaged.

Natural Environment Policies 4 and 5: Legally Protected Species and Species and Habitats

3.141. These policies set out the LLTNP's approach to protection of species and habitats that may be affected by a development proposal. The policies effectively provide a 'catch all' approach to protecting species and habitats of varying levels of importance, to ensure an adequate degree of protection through the planning process. The policies set out circumstances where development might be permitted, even where adverse effects are identified.

3.142. Policy 4 states that development will not be permitted where it would have an adverse impact on any protected species unless it can be demonstrated that: it would not be detrimental to the maintenance of the United Kingdom population; and there is no alternative; and the applicant can demonstrate public health,

public safety or imperative reasons of overriding public interest, including those of a social or economic nature, and there are beneficial consequences of primary importance for the environment.

3.143. Policy 5 states that development that would have an adverse impact on habitats or species identified in the National Park Biodiversity Action Plan will only be permitted where: the need and justification for the development outweighs the local, national or international contribution of the habitat or species; and significant harm or disturbance is avoided, or minimised where harm is unavoidable; and where the extent and functions of woodlands, bogs and peat for carbon sequestration and/or GWDTE is not impaired in the medium to long term.

3.144. The EIA Report provides a detailed ecological assessment of the impacts of the Proposed Development on both habitats and species. It is identified that there may be displacement or damage to habitats during the construction phase of the development. EIA Report Chapter 9 provides detail on the restoration that will occur following the construction phase to ensure there are no lasting impacts.

3.145. As discussed in the earlier assessment against NPF4 Policies 4 and 11, with mitigation in place no protected species or habitats will experience significant environmental effects as a result of the construction or operational phases of the Proposed Development and there is no conflict with Natural Environment Policies 4 and 5.

Natural Environment Policy 6: Enhancing Biodiversity

3.146. This policy states that developments will be required to enhance biodiversity. This policy largely aligns with the NPF4 Policy 3 requirements stating that developments will be required to enhance biodiversity by *"securing the protection, management and enhancement of natural landscape, wildlife, wildlife habitat, habitat networks and green corridors, and where possible the creation of new wildlife habitats"*. It also supports the planting of native species and measures to prevent the spread of invasive non-native species.

3.147. Biodiversity enhancement proposed includes:-

- Additional planting of diverse native trees, woodland and wildflower grassland to enhance commuting and foraging resources for a variety of species;
- Leaving dead trees standing where safe to do so to provide natural nesting sites for cavity nesting birds;

- Creating brash piles within the compensatory planting area to provide natural nest sites for ground nesting birds;
- Erection of a range of bird and bat boxes to provide permanent nesting and roosting opportunities; and
- Measures to eradicate INNPS in the woodland to the north of Sloy Power Station and prevent their re-establishment;

3.148. Overall, it is considered that there is no conflict with Natural Environment Policy 6.

Natural Environment Policy 8: Development Impacts on Trees and Woodlands

3.149. In accordance with this policy, no ancient woodland or long established plantation will be affected by the Proposed Development.

3.150. The policy also states that development proposals will also not be supported where it is likely to lead to the loss of, or damage to, important individual trees, hedgerows or groups of trees or woodlands that contribute to local amenity and/or are of nature conservation value or historic significance. It is estimated that circa 2.38 ha of woodland will be required to be removed to facilitate the Proposed Development. The extent of felling proposed is partly influenced by a request from LLTNPA to undertake preventative felling of larch due to *Phytophthora ramorum*. The existing buffer of broadleaved trees (mainly birch) along the A82 frontage is proposed to be retained to maintain a visual screen. The existing individual oak trees to the south of the PDA are also to be retained. Once the spoil management area has been reprofiled, it will be replanted with native species to support habitat restoration and habitat networks (see EIA Report Figure 12.7).

Natural Environment Policy 11: Protecting the Water Environment

3.151. This policy states that development will be required to ensure no significant adverse impacts on the water environment. It provides criteria for development proposals to meet which *inter alia* seek to protect and enhance the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies, and avoid significant adverse impacts on protected species or their water-based habitats.

3.152. EIA Report Chapter 8 considers the effects of the Proposed Development on aquatic ecology and fish. Subject to the implementation of the recommended avoidance, mitigation and enhancement measures summarised in Table 8.10.1, it concludes that there will be no significant residual effects.

3.153. In relation to other relevant Policy 11 criteria, it is considered that the Proposed Development compares favourably. Subject to the adoption of best practice construction techniques and a project specific CEMP, no significant effects on the water environment have been identified.

3.154. In relation to the Varied CAR Licence, EIA Report Chapter 11 explains that during the operational phase of the Proposed Development the transfer of water between Loch Sloy and Loch Lomond would be regulated by SEPA. The authorisation issued by SEPA (via said Varied CAR Licence) would include limits on the volume and rate of water transfer between Loch Lomond and Loch Sloy (and vice versa). Further to this, the Reservoirs (Scotland) Act mandates regular inspection and maintenance of Sloy dam. These measures would ensure flood risk is not increased by the proposed operational regime.

3.155. EIA Report Chapter 11 advises that consultation with Scottish Water has been undertaken and it has been agreed that a study will be commissioned to confirm whether the water quality of the Lomond / Sloy blend remains within the treatable envelope for Belmore WTW. The results of this study and updated process review are not yet available (as 12 months of water sampling data is required). The Applicant has committed to continue to work with Scottish Water and share the results of the study with Scottish Water in due course.

Natural Environment Policy 12: Surface Water and Waste Water Management

3.156. In accordance with the relevant part of Policy 12, the Proposed Development has been formulated to minimise the extent of new impermeable surface and the Applicant has committed to using Sustainable Drainage Systems (SuDS) where feasible (see EIA Report Chapter 11 and EIA Report Figure 12.7).

Historical Environment Policy 1: Listed Buildings

3.157. Part (a) of this policy focuses on development which seeks to alter or extend a listed building / structure. In this respect, proposals are required to *"protect, conserve and/or enhance the character, integrity and setting of listed buildings"*. It adds that *"the layout, design, materials, scale, siting and use shall be appropriate to the character and appearance of the listed building and its setting whilst not inhibiting high quality contemporary and/or innovative design"*.

3.158. As advised previously, construction works will affect the existing northern gates, gate piers and a short section of wall forming part of the Sloy Awe Hydro Electric Scheme, Sloy Power Station, Category A Listing. To facilitate construction, it is proposed that they be temporarily removed (following a photographic record) and fully reinstated once works are complete. Listed Building Consent is required for these works and will be subject to further discussion with LLTNPA and HES. Listed Building Consent will also be required to modify the drystone wall that surrounds the penstocks to the rear of the power station building. This wall will be reinstated on completion of construction, with only a small section lost where the new pumped supply pipe cuts directly through it.

3.159. During its operational lifetime, the Proposed Development is not predicted to result in significant effects on the setting of Sloy Awe Hydro Electric Scheme, Sloy Power Station. The impact on the settings of four Category C Listed buildings within the Cultural Heritage Outer Study Area is assessed as being negligible (not significant). There is no predicted visibility of the Proposed Development from the remaining Listed building (Category B) within the Outer Study Area.

3.160. As detailed in the accompanying Design Statement, the new surface building has been carefully designed to respect the high quality landscape setting of the PDA. The form, massing and finishing materials have been influenced by the design principles applied to the adjoining Listed Sloy Awe Hydro Electric Scheme, Sloy Power Station buildings to deliver visual cohesion and reinforce the established characteristics of the PDA.

Historical Environment Policies 2 and 4: Conservation Areas and Gardens and Designed Landscapes

3.161. These policies relate to development proposals i) within or adjacent to Conservation Areas and ii) affecting Gardens and Designed Landscapes. The PDA is not located in or near to either such designation and so these policies are not engaged.

Historic Environment Policy 6: Scheduled Monuments and other Nationally Important Archaeological Sites

3.162. The Proposed Development will not result in any direct impacts on a Scheduled Monument.

3.163. During its operational lifetime, the Proposed Development is not predicted to result in significant effects on the setting of Inveruglas Castle (Scheduled Monument), located within the 1 km Cultural Heritage Outer Study Area. In this respect, EIA Report Chapter 15 concludes that the Proposed Development will not have

significant impacts on the aspects of the setting of the Scheduled Monument that contribute to the appreciation of its cultural significance.

3.164. The Proposed Development is therefore considered to meet the requirements of Policy 6.

Historic Environment Policy 7: Other Archaeological Resources

3.165. The proposed construction compound/ site establishment area and spoil storage area to the north of the existing power station and associated tree felling work could affect the Old Military Road within the existing woodland. In accordance with Policy 7, mitigation measures including preservation in situ are proposed in relation to this asset.

3.166. EIA Report Chapter 15 concludes that there is a low potential for previously unrecorded archaeological remains within the PDA.

Transport Policy 3: Impact Assessment and Design Standards of New Development

3.167. In accordance with Part 1 of this policy, a Transport Assessment has been prepared and is presented in EIA Report Appendix 13.1.

3.168. EIA Report Chapter 13 concludes that the Proposed Development would lead to a temporary increase in traffic volumes within the study area during the construction phase. Traffic volumes would fall considerably outside the peak period of construction and once the Proposed Development becomes operational.

3.169. These temporary construction effects are predicted to be minor in nature and not significant, following the implementation of a comprehensive CTMP, together with appropriate signage and a Path Management Plan (if required post consent). Chapter 13 finds that no long-term detrimental transport or access issues would be associated with the construction phase of the Proposed Development.

3.170. Turning to Part 2 of the policy, while arguably more relevant to other types of development, such as housing, the proposed construction access junction with the trunk road has been designed to ensure safe access and egress during the works. A CEMP will be produced to facilitate the construction phase detailing the environmental management and monitoring measures, this will include appropriate measures to ensure the PDA is fully restored following completion of construction.

3.171. It is considered that the Proposed Development has met the requirements of Policy 3.

Development Plan Conclusions

3.172. The Statutory Development Plan now comprises NPF4 as well as the LLTNPLDP. As noted, in the event of any incompatibility between NPF4 and the LLTNPLDP, NPF4 carries greater weight in the planning balance as the more recent document.

3.173. This section of the Supporting Planning and Energy Policy Statement has considered the Proposed Development against the relevant policies of NPF4 and the LLTNPLDP drawing upon the findings of each of the EIA Report Chapters. Policy 11 is the main NPF4 policy against which the Proposed Development is to be assessed with Renewable Energy Policy 1: Renewable Energy in the National Park within the LLTNPLDP being the corresponding local policy.

3.174. As discussed, NPF4 Policies 1 and 11 require decision makers to give 'significant weight' to the extent to which a proposal contributes to the climate emergency and nature crisis. For the reasons already discussed, the Proposed Development will make a positive contribution to both these national goals and this provides significant support in policy terms.

3.175. The appraisal against other relevant NPF4 policies adds further substance to the case for the Proposed Development. The Proposed Development has been positively assessed against NPF4 Policy 7 relating to Historic Assets and Place in terms of the potential direct and indirect impacts to the listed buildings and cultural heritage designations and has ensured that appropriate mitigation measures are put in place.

3.176. NPF4 states on page 98 that '*the policies should be read as a whole'*. This is reiterated in the Chief Planner's letter from 8 February 2023 and again in her 22 November 2023 letter[19], which noted that '*there remains a need to weigh up all relevant policies and factors in applying planning judgement….*'

3.177. Looking at NPF4 as a whole, and in particular the key twin objectives of tackling the climate emergency and the nature crisis, a reasonable assessment of the Proposed Development concludes that it does accord with the document as a whole and it can contribute positively to the Intent and Outcomes of key policies.

[19] https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/

3.178. The primary LLTNPLDP Policy of relevance is Renewable Energy Policy 1: Renewable Energy within the National Park. The policy clearly recognises that renewable energy developments can give rise to environmental effects; as such, the key test in assessing the extent of the compliance with the policy is to ascertain whether a proposal will have a '*significant adverse impact'.* The policy notes the importance of development being appropriate for the National Park. Supported by the findings of the LVIA, it is considered that the Proposed Development will not have any lasting effects on its Special Landscape Qualities.

3.179. The appraisal against the LLTNPLDP has demonstrated that environmental effects have been kept to a minimum by careful application of the mitigation hierarchy across technical and environmental disciplines. Environmental benefits will arise through the implementation of additional planting of diverse native trees, woodland and wildflower grassland which will enhance foraging and commuting resources for bat, badger, hedgehog, red squirrel, pine marten, invertebrates and birds within the local area. The installation of bat boxes and bird boxes will increase permanent roosting and nesting opportunities. The commitment to eradicate INNPS in the woodland to the north of Sloy Power Station and prevent their re-establishment is also seen as beneficial.

3.180. When these benefits are taken into account, it is considered that the Proposed Development can be positively assessed against LLTNPLDP Renewable Energy Policy 1: Renewable Energy within the National Park, and other LLTNPLDP policies. Where residual, significant effects are identified, these are very localised, limited to the construction phase and are outweighed by the benefits of the Proposed Development, and by the wider contribution that the Proposed Development makes to the achievement of sustainable development. Overall, therefore it is considered that the LLTNPLDP is supportive of the Proposed Development.

Loch Lomond and the Trossachs National Park Renewable Energy Planning Guidance

3.181. Loch Lomond and the Trossachs National Park Authority has produced Planning Guidance (PG) to accompany the LDP[20]. The Renewable Energy PG is the most relevant PG to the Proposed Development providing additional detail to support Renewable Energy Policy 1. The PG provides guidance relating to Hydro Energy in Section 4 however, it places a focus on run-of-river technology and new hydro

[20] The NPA's Planning Guidance is not adopted Supplementary Guidance and does not therefore form part of the Development Plan

development schemes which is considered to be the most compatible for the National Park's geography and qualities.

3.182. The guidance provides details on planning considerations which are to be considered prior to a hydro energy development application being submitted. The focus of these is the water environment, landscape, ecology and cultural and historical environment designations, which have been discussed in relation to the LDP and NPF4 above.

3.183. The guidance states that the location and setting of a hydro scheme proposal is key in determining the range of landscape and visual impacts. The Proposed Development is located within the curtilage of the operational Sloy Hydroelectric Power Station on the existing made ground to the north of the buildings. Further, the guidance provides commentary on flooding, transport and noise for new hydro developments in the National Park. The Proposed Development is not anticipated to have any significant long term impacts on the water environment, transport and traffic or noise within the surrounding area. The Proposed Development is therefore considered to be compliant with the additional guidance set out in the Renewable Energy PG.

4. Conclusions

4.1. Schedule 9 of the Electricity Act refers to the requirement for Scottish Ministers to *'have regard to the desirability'* of preserving natural beauty, of conserving flora, fauna etc. when determining S36 applications. Scottish Ministers have no duty to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. Schedule 9 does not, therefore, set strict development management tests.

4.2. As an application under the Electricity Act, the Development Plan does not have primacy in this case. The Development Plan, including National Planning Framework 4 as a recent expression of Scottish Government policy, is however an important material consideration.

4.3. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters not least national planning policy set out in NPF4, the socio-economic benefits of the Proposed Development and the contribution that it would make towards attainment of GHG reduction targets, contributions to energy security and low carbon energy targets.

4.4. The Scottish Government has legislated to achieve net-zero GHG emissions by 2045. To achieve these legally binding targets will require a significant change in the way we generate electricity. A range of renewable energy technologies will play an important part in achieving these targets, and the Draft Scottish Energy Strategy and Just Transition Plan states that '*hydro power has the potential to play a significantly greater role in the energy transition'*. The need for more renewable energy and low carbon infrastructure is not in doubt and the documents referenced in Section 2: 'The Energy Policy Context' of this Statement demonstrate the Scottish Government's strength of commitment to tackling the climate emergency and the nature crisis. Indeed, these are the two key themes that run through NPF4 in particular and the Draft Scottish Energy Strategy and Just Transition Plan.

4.5. The Proposed Development benefits from National Development status through NPF4. The Proposed Development would see an increase of load factor at the existing Sloy Hydroelectric Power Station from 10% to (up to) 20%.

4.6. The benefits of the Proposed Development are not in doubt. As such, the key issue to consider is whether the identified environmental impacts of the Proposed Development as set out in the EIA Report are so significant as to outweigh these clear national scale benefits. Given the assessment in Section 3, the

planning balance in this case clearly favours permission being granted. While some significant environmental effects have been identified, these are few in number, localised in extent and are considered to be restricted to the construction period. In terms of the planning balance, they can reasonably be described as 'acceptable'.

4.7. The Applicant has adopted an iterative and detailed approach to site design, applying the mitigation hierarchy with the objective of avoiding significant environmental effects from arising where possible. Where this has not been possible, the design process has sought to reduce these to non-significant levels through mitigation and to then consider opportunities for compensation and enhancement.

4.8. NPF4 now requires decision makers to give 'significant weight' to the contribution a proposal can make towards expansion of renewable, low carbon and zero emissions technologies, including energy storage (NPF4 Policy 11), as well as the extent to which a development can help combat the nature crisis (NPF4 Policy 1). The Proposed Development will clearly make a positive and significant contribution to attainment of both these goals. For the reasons previously discussed, when taken in the round, the Proposed Development is supported by NPF4 Policy 3 and also NPF4 Policy 11(e) criteria.

4.9. Turning to the Local Development Plan, the lead renewable energy policy (Renewable Energy Policy 1: Renewable Energy within the National Park) confirms that proposals will be supported where the siting, design, access and scale will not have a significant adverse effect. There is nothing to suggest that the Proposed Development will have a permanent, significant adverse impact, either individually or cumulatively on the landscape, woodland, water environment, air quality or traffic or transport.

4.10. Under the successful, sustainable place objective, LDP Overarching Policy 1 refers to the four aims of National Parks, as set out in statute. If a proposal appears to be in conflict with the second, third and fourth aims, the policy advises that greater weight is to be given to the first aim which is to *"conserve and enhance the natural and cultural heritage of the area"*. For the reasons set out in Table 2 of this Statement, it is considered that the Proposed Development complies with this first aim. It is also considered that the Proposed Development contributes to the second and fourth aims in that it makes use of a sustainable natural resource and offers social and economic opportunities for local communities. The third aim is not considered to apply to the Proposed Development.

4.11. Lastly, the Scottish Ministers previously granted consent for a pumping station at Sloy in September 2010 (ECU Ref. 00005235), however, due to a perceived lack of market, the scheme was never built and consent lapsed in 2018. In recent years there has been an increase in the development of flexible renewable schemes (principally wind farms) to assist the UK in attaining its commitment to increase the proportion of electricity generated using renewable resources. As a result, there is now a recognised, clear, and urgent need for the development of pumped hydro storage, to enable a greater balance between electricity supply and demand.

4.12. Taking account of these various matters, it is considered that the Proposed Development is the *'right development in the right place'*, identified environmental effects are not unacceptable and it is therefore respectfully requested that S36 consent and deemed planning permission is granted.

Savills Planning
163 West George Street
Glasgow
G2 2JJ

0141 248 7342