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Our ref: ECU00000577

15 October 2020

Dear Sir or Madam

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO CONSTRUCT AND OPERATE A HYDROELECTRIC PUMPED STORAGE GENERATING STATION AT COIRE GLAS, KILFINNAN NEAR SPEAN BRIDGE WITHIN THE PLANNING AUTHORITY AREA OF HIGHLAND COUNCIL

Application

1. I refer to the application (the “Application”) made on 28 March 2018 under section 36 of the Electricity Act 1989 (“the Act”) made by Coire Glas Hydro Pumped Storage Limited, a company incorporated under the Companies Acts with company number SC561128 and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ (“the Company”), as supplemented by the additional information provided by the Company between 10 December 2018 and 3 April 2019 (“the Additional Information”) for the construction and operation of a hydroelectric pumped storage electricity generating station at Coire Glas Kilfinnan near Spean Bridge (“the proposed development”), within the administrative area of the Highland Council with a generating capacity exceeding 50MW.

2. **This letter contains the Scottish Ministers’ decision to grant consent for the proposed development as more particularly described at Annex 1.**

Planning Permission

3. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers may on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

4. This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.

Background

5. In February 2012, an application was made by SSE Generation Limited for consent under section 36 of the Electricity Act 1989 to construct and operate a 600 MW hydroelectric pumped storage generating station at Coire Glas, Kilfinnan. Section 36 consent was granted for construction and operation of the station on 13th December 2013 ("the consented scheme"). On 14th March 2017, Scottish Ministers extended the time by which development of the station must commence in respect of the section 36 consent.

6. To maximise the potential of the site, the Company submitted the application which is the subject of this determination. The Company proposed in the application the construction and operation of a generating station of increased size, which has a potential storage and generating capacity of 1500 MW. The increase in size is mainly to the underground waterway system and cavern power station, although the external lower control works have increased footprint. The increased size would necessitate an increased construction duration of around seven years.

Consultation, EIA Regulations and other Environmental Consideration

7. Under Schedule 8 to the Act, and the Electricity (Applications for Consent) Regulations 1990 ("the Consents Regulations") made under the Act, the relevant planning authority is required to be notified in respect of a section 36 consent application. Notification was given to Highland Council (the "Planning Authority") as the relevant planning authority. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations") the Company submitted an Environmental Impact Assessment report ("the EIA report") in support of the Application describing the proposed development and giving an analysis of its environmental effects. In accordance with requirements of both the Consents Regulations and the EIA Regulations, advertisement of the Application and the EIA report was made in the local and national press, copies were placed in the public domain, and the opportunity given for those wishing to make representations to do so.

8. In addition, to comply with the EIA Regulations, Scottish Ministers require to consult the relevant planning authority, as well as Scottish Natural Heritage (SNH), the Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES) as well as other persons that are likely to be concerned by the proposed development by reason of their specific environmental responsibilities. Notifications were sent to Highland Council as the relevant planning authority as well as to SNH, SEPA and HES.

9. In accordance with section 36(5A) of the Act, before granting any section 36 consent Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to the protection of the water environment; and
- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

10. Between 10 December 2018 and 3 April 2019, the Company submitted Additional Information. In accordance with regulation 20 of the EIA Regulations the Additional Information was advertised, placed in the public domain and opportunity was given to those wishing to make a representation.

11. Scottish Ministers are satisfied that the EIA report and the Additional Information have been produced in accordance with the EIA Regulations. Scottish Ministers have assessed the environmental impacts of the proposed development and taken the environmental information, EIA report, Additional Information, representations, consultation responses including those from SNH, SEPA, HES and the Planning Authority into consideration in reaching their decision.

12. Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and EIA Regulations and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the proposed development.

13. Under paragraph 3(2) of Schedule 9 to the Act Scottish Ministers must have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. Scottish Ministers must have regard to the extent to which the Company has complied with its duty under paragraph 3(1)(b) requiring the Company must do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites buildings or objects. Under paragraph 3(3) Scottish Ministers must avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters. Scottish Ministers are satisfied that this is the case and more generally that the requirements of paragraph 3 have been met.

14. In accordance with section 36(5A) of the Act, before granting any section 36 consent Scottish Ministers are required to:

- obtain SEPA advice on matters relating to protection of the water environment; and
- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

15. SEPA were consulted in respect of the proposed development. SEPA's advice has been considered as required by section 36(5A) with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. SEPA have no objection to the proposed development. In their response to Scottish Ministers they direct the Company to the Regulations section of the SEPA website for advice on regulatory requirements and good practice advice. SEPA stated that they expect the proposed development to be capable of being authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Public Local Inquiry

16. In terms of paragraph 2 of Schedule 8 to the Electricity Act if the Planning Authority make an objection and that objection is not withdrawn, the Scottish Ministers must cause a public local inquiry ("PLI") to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the Planning Authority. Following the consultation Highland Council did not object therefore a PLI is not a statutory requirement.

17. Paragraph 3 of Schedule 8 provides that where objections or copies of objections have been sent to the Scottish Ministers in pursuance of Regulations made under that paragraph, the Scottish Ministers must consider those objections together with all other material considerations with a view to determining whether a PLI should be held with respect to the application and, if they think it appropriate to do so, they must cause a PLI to be held.

18. Scottish Ministers have considered the 8 public objections received on grounds of construction noise, increased traffic during construction, damage to local roads, and the potential adverse impacts on tourism on local businesses. Scottish Ministers also note the concerns raised around spoil removal. Taking all material considerations and other consultation responses into account, Scottish Ministers consider that there are no significant issues which have not been adequately considered in the EIA report, the Additional Information and the consultation responses.

19. Ministers are satisfied there is sufficient up to date information to be able to make an informed decision on the application and that it would not be appropriate to hold a PLI.

Summary of the Consultation Responses

Statutory Consultees

20. **The Highland Council** (the Planning Authority) did **not object** to the application. They stated that the main impacts of the proposed development are clear and understandable and that many of the construction impacts can be mitigated to a degree and managed. They noted the considerable national policy support for, and the increasing importance of, Pumped Storage Hydro development, which provides the flexibility which underpins the ability of less flexible renewable technologies to provide a greater proportion of electricity supply. Highland Council's Local Development Plan, principally Policy 67 Renewable Energy policy, strongly supports this type of development. They noted the impacts both positive and negative on the local economy, the long term visual impacts of the dam and tail race, and the landscape impacts. The construction impact on local properties is a significant consideration for the Planning Authority. Works proposed to the local road network will have short term impacts on local residents but will leave improved road network as a legacy. Conditions 17 and 18 are attached to the planning permission to ensure the local road network is improved to an appropriate standard to serve the proposed development and to retain community access.

21. The Planning Authority stated that the proposed development accords with the principles and policies contained within the Local Development Plan, noting the strong support for such development within Policy 67 of the Local Development Plan, and considered that the proposal is acceptable in terms of all other applicable material considerations. The extant consent for a similar but lower capacity development was taken into account. Further to the submission of Additional Information, the Planning Authority did not consider that the information changed their position in respect of the proposed development.

22. **SNH** did **not object** to the application. They agree with the conclusion in the EIA report that there is potential for adverse impacts on several protected species. While strongly recommending that works are undertaken strictly in accordance with mitigation proposed in the EIA report, SNH requested additional mitigation measures to those listed. SNH indicated that the confidential ornithology annex is very detailed and they are in agreement, that with appropriate mitigations in place there will not be adverse impacts on the golden eagle population. SNH concluded that the overall effect of the proposal on the peatlands on the proposed development site is no greater than the overall effects of the consented scheme. They highlighted that there will be significant loss of habits of national and international

importance, however the losses can be accommodated subject to suitable mitigation. Condition 8 provides assurance that mitigation committed to in the EIA report must be adhered to, and further to this, a condition has been imposed which requires the approval of a Construction Environmental Management Document in consultation with SNH, which incorporates the requirement for a range of pre-construction species surveys. A Habitat Management Plan is required by condition 16 to ensure that management of habitats affected by the proposal is undertaken in accordance with a plan approved by the Planning Authority in consultation with SNH.

23. **SEPA did not object** to the application subject to conditions being attached to any consent to safeguard impacts on the water environment; ground water abstractions; carbon rich soils; ground water dependant terrestrial ecosystems; spoil management; borrow pits; pollution prevention and environmental management.

24. Conditions have been imposed on the deemed planning permission requiring that SEPA be consulted prior to approval by the Planning Authority of the Design Detail Plan of the proposed development, including design of water crossings, and that they be similarly consulted on Spoil Management, Habitat Management, Soil and Peat Management, and on a Construction and Environmental Management Document as required by deemed planning permission condition 14, which provides for a suite of programmes, plans and statements which will commit the Company to addressing the requirements set out by SEPA.

25. On 5 November 2019, SEPA responded to the consultation required by the submission of Additional Information by the Company, and indicated that the advice previously provided remained unchanged, underlining their previously stated advice regarding the need for a Peat Management Plan. This requirement has been captured in deemed planning condition 11.

26. **HES did not object** to the application. HES are content that sufficient information has been provided in the EIA Report to come to a view on the proposed development. HES are content that the impacts of the proposed development on historic environment interests are not of national significance. When consulted on the Additional Information, HES had no additional comment to make.

Internal Scottish Government advisors

27. **Transport Scotland did not object** to the application. They were content with traffic management and construction traffic management measures proposed by the Company in the EIA report. In addition, Transport Scotland requested that the layout and construction of access to the trunk road from the proposed development be approved by them, that wheel washing facilities be provided within the proposed development and that a Route Access Report be undertaken; provision for these have been made within the conditions attached to the deemed planning permission.

28. **Forestry Commission Scotland** (whose functions were transferred, as of 1 April 2019, to **Scottish Forestry**, an executive agency of the Scottish Government) initially **objected** to the application due to a lack of clarity regarding the final area of woodland removal and regarding the provision of a woodland replanting scheme; potential impacts on a small area of Plantation on Ancient Woodland Site (PAWS); and potential impacts on Native Woodland. The Company wrote to Scottish Ministers on 25 May 2018 enclosing information and clarifications on the points of objection from Forestry Commission Scotland (FCS), which Scottish Ministers conveyed to FCS and the planning authority. Scottish Ministers wrote to the Company again on 21 November 2018 requesting further information be provided to FCS regarding the grounds of the objection by FCS. The Company then responded to Scottish Ministers on 27

November 2018 enclosing information which Scottish Ministers then conveyed to FCS. On 28 November 2018 FCS informed Scottish Ministers the information supplied by the Company would enable them to **remove their objection** if Scottish Ministers imposed a condition requiring the Company agree a Forestry Plan to provide sufficient area of compensatory planting to address woodland removal. A condition has been applied to the section 36 consent which provides that any permanent woodland removal associated with the proposed development shall be replanted.

29. **Marine Scotland Science** did **not object** to the application, however they were unsatisfied with the level of survey information provided in relation to Arctic Charr in Loch Lochy, and had concerns relating to potential underwater noise impacts on fish. The Construction Environment Management Document, which requires to be produced as a condition 14 of the deemed planning permission, provides that Marine Scotland's request for pre-construction survey of Arctic Charr and measures to protect the population of the species be submitted and implemented as part of the document. A Noise Management Plan must also be submitted within the Document, which will detail the timing of and methods to be used in any piling associated with the proposed development. The plan must set out steps to minimise sources of noise and vibration as far as reasonably possible. In considering the Additional Information, Marine Scotland had no additional comments to make.

Advisors to Scottish Government

30. The Scottish Government obtained the services of consultants AM Geomorphology Limited to provide advice on the peat landslide hazard risk assessment (PLHRA) submitted by the Company on 28 March 2018 within the application. AM Geomorphology Limited stated that the PLHRA required minor revisions in order to be sufficiently robust.

31. Following the submission of the Additional Information by the Company, the Scottish Government obtained the services of consultants Ironside Farrar Limited to provide advice on the PLHRA as amended by the Additional Information, taking into account the previous comments from AM Geomorphology Limited. Ironside Farrar Limited advised that the issue of potential instability from the construction and storage of peat has now been well reviewed; adding that it is recognised that on a project of this scale it is not possible to detail specific measures and locations for storage of peat at this stage.

32. Ironside Farrar Limited advised that the peat landslide risk can be addressed with sufficient certainty to understand the associated risks and control the issues, recommending the inclusion of appropriate conditions for construction environmental management and a further PLHRA once detailed design and assessment work has progressed.

Other Consultees

33. **Lochaber District Salmon Fishery Board** did **not object** to the application, however they highlighted a number of concerns. There is potential to be significant impact the fish populations in the Lochy catchment, commercial fisheries and angling stock.

34. **Highlands and Islands Airports Ltd** did **not object** to the application.

35. **NATS Safeguarding** did **not object** to the application.

36. **Mountaineering Council of Scotland** did **not object** to the application, however they highlighted some concerns relating to landscape and recreational access.

37. **Scottish Canals** did **not object** to the application. They requested the Company to work closely with them when further details of the project are developed in regard to spoil management; water management; recreation; traffic and transport; cultural heritage; and aquatic and terrestrial ecology.

38. **Scottish Water** did **not object** to the application. They requested to be involved in further consultation through the CAR process to ensure safeguards and mitigation are in place for their interests.

39. **Scotways** did **not object** to the application.

40. **Visit Scotland** did **not object** to the application.

41. **RSPB Scotland** did **not object** to the application, however they requested the robust mitigation measures of the confidential ornithological annex are implemented in full. They also requested additional measures in relation to timings for loud construction activities, artificial lighting, disturbance and post-construction site visits. These requirements have been captured by the deemed planning permission conditions, including 8, 9, 10, 14, and, 16.

42. **Spean Bridge, Roy Bridge and Achnacarry Community Council** did **not object** to the application. They are in favour of the proposed development due to the increased economic benefit and the number jobs being created during construction. However, they have some concerns regarding the increased traffic during construction, which will be addressed by the planning permission road improvements conditions 17 and 18.

43. The following bodies were consulted but did not respond - Crown Estate Scotland, Joint Radio Company, John Muir Trust, the Scottish Wildlife Trust, Scottish Wild Land Group, Scottish Canoe Association, West Highland Sailing and British Telecommunications.

Summary of Public Representations

44. Scottish Ministers received 8 public representations. Scottish Ministers note the concerns raised in relation to: construction noise; increased traffic during construction; damage to local roads; and the potential adverse impacts on tourism on local businesses. Scottish Ministers also note the concerns raised around spoil removal.

45. Scottish Ministers are aware of the positive and negative socio economic impacts associated with a development of this nature and size, in consideration of its location on Loch Lochy, and that some will be adversely affected, either in the short or longer term. While there is the potential for adverse effects on local amenity and businesses, the proposed development has the potential also to support a range of local businesses and accommodations. Ministers are satisfied that the Company has sought, where it is possible to do so, to avoid or mitigate adverse impacts. The schedule of mitigation and conditions imposed on the deemed planning permission will ensure that roads are improved, that road damage is repaired and that traffic is managed into and out of the proposed development site in a way which ensures as little disruption as is possible. Deemed planning permission condition 14 requires that a Noise Management Plan will form part of the Construction Environmental Management Document, and a Spoil Management Plan will identify potential uses for spoil and the traffic impact consequences of its removal.

The Policy Context

Climate Change and Renewable Energy Targets

46. The Climate Change (Scotland) Act 2009, passed by the Scottish Parliament in 2009, sets out the targets for reducing greenhouse gas emissions as an interim 42% reduction target for 2020 and an 80% reduction target for 2050. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the 2019 Act) received Royal Assent on 31 October 2019 and sets a target for Scotland to be carbon-neutral, meaning net-zero CO₂, by 2045 at the latest. Additionally the 2019 Act sets out two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040.

47. The Scottish Government's 2020 Routemap for Renewable Energy in Scotland published in June 2011 and updated in September 2015 confirms that the Scottish Government's target for renewable electricity generation is for renewables to generate at least the equivalent of 100% of gross annual consumption by 2020.

48. The Scottish Government's ambitions for renewables and the delivery of clean electricity in Scotland goes beyond the current 2020 targets. The Scottish Government has set a 2030 decarbonisation target, to achieve a carbon intensity of 50 gCO₂/kWh of electricity generation in Scotland.

49. The publication of statistics in December 2017, provides an update on Scotland's progress against renewable energy and electricity targets. In 2016, the equivalent of 54% of gross electricity consumption was from renewable sources, which means we remain above our interim 2015 target of 50% showing progress towards our target of 100% by 2020.

50. Published BEIS Energy Trends data showed that in the first quarter of 2019 renewable electricity generation in Scotland was 8,877 gigawatts ("GW"), an increase of 17% on the same quarter in 2018 indicating that Scotland remains above the interim 2015 target of 50% suggesting that progress is being made towards achieving the target of 100% by 2020.

51. Ministers are satisfied that although the proposed development is not in itself a renewable energy generation technology, it is compatible with climate change and renewable energy targets as it is a low carbon technology complementary to the increased deployment renewable energy.

Scottish Energy Strategy

52. The Energy Strategy sets out a vision for the future energy system in Scotland through to 2050. It sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport as well as electricity generation. The strategy sets out two new targets for the Scottish energy system by 2030 – (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; (2) an increase by 30% in the productivity of energy uses across the Scottish economy. The strategy provides a long term vision to guide energy policy decisions to tackle the challenges of decarbonising the energy system in order to meet Scotland's long term energy and climate change targets.

53. The Strategy highlights the need for flexibility to provide for varying demand, and emphasises the major influence storage will have on Scotland's future energy system. The strategy anticipates that future heat and transport demand is likely to be met increasingly by electricity, and the network will require to generate, store and deliver the necessary capacity to meet peaks in demand. Scottish Ministers are satisfied that the proposed development has the potential to deliver significant storage capacity and the flexibility to assist in meeting such

peaks in demand, and that the proposed development accords with the Energy Strategy and would play a key role in underpinning the transition to a low carbon energy system.

Scotland Third National Planning Framework (NPF3)

54. NPF3 is the spatial expression of the Scottish Government's economic strategy. It brings together plans and strategies across sectors to provide a coherent vision of how Scotland should evolve over the next 20 to 30 years. It establishes the Scottish Government's commitment to ascertaining Scotland as a leading location for the proposed development of renewable energy technology. In Scotland there has been significant progress towards low carbon objectives whilst continuing to protect our special places from significant adverse impacts.

55. NPF3 together with SPP further sets out what is expected of the planning system, including a spatial strategy for a low carbon place where an 80% reduction in greenhouse gas emissions is achieved by 2050.

56. NPF3 recognises that increasing the capacity of pumped storage hydroelectricity can complement the Scottish Government's ambitions for more renewable energy capacity. It establishes the need for such development at new sites to support the security and diversity of energy supply and to support the reduction of carbon emissions. It identifies pumped storage as national development that is required to help deliver the Scottish Government's spatial strategy. Ministers are satisfied that the proposed development contributes to the needs identified in NPF3.

Scottish Planning Policy 2014 (SPP)

57. Scottish Planning Policy sets out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system and for the proposed development and use of land. It identifies four key outcomes to support a successful vision for the planning system in Scotland - to create a low carbon place; a successful, sustainable place; a natural, resilient place, and a more connected place.

58. SPP sets out the principle that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets. The planning system should help to reduce emissions from new infrastructure by enabling development at appropriate locations that contributes to efficient energy supply and storage, and electricity from non – renewable sources where greenhouse gases can be significantly reduced. SPP sets out that storage helps to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. The proposed development supports the transformation to a low carbon economy, by complimenting the intermittent and less flexible renewable generating stations which are now providing a greater proportion of electricity supply, by providing electricity system stability, and notably Coire Glas would be able to extract and release energy to and from the transmission system for longer periods of time in comparison to similar, operational pumped hydroelectric stations across the GB network.

59. SPP introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

60. This Development has the potential to provide important balancing services to meet present and future needs, supporting the increased deployment of renewable energy and displacement of fossil fuel technologies. The proposed development would be in a position to provide a rapid response to increased demand, and to absorb electricity generated when demand is low, supporting the ability of intermittent renewable energy sources to meet Scotland's electricity requirements, and providing the stability required to support the Scottish Energy Strategy.

61. The proposed development will have adverse effects on the environment. Some of these are short term, such as those effects associated with the removal of spoil, the visual impacts associated with the construction phase and the impacts of extraction of peat during construction. A smaller number are long term, such as the visual impacts of the lower reservoir development across Loch Lochy, and the landscape impacts which will exist as a result of the presence of the dam. The location of the proposed development has been chosen for its particular suitability in bringing significant long term benefits to the electricity system in the interests of future generations. Scottish Ministers are satisfied that the proposed development contributes to sustainable development and is supported by SPP.

Local Development Plans and Supplementary Guidance

62. The Highland Council assessed the proposed development against their local development plan policies during consideration of the proposal, these are:

- The Highland Wide Local Development Plan (HWLDP) 2012;
- The Highland Council Supplementary Planning Policy Guidance; and
- The Highland Renewable Energy Strategy (HRES).

63. Scottish Ministers, having considered in full the Planning Authority's response, are satisfied that the proposed development is in general accordance with aforementioned local development plans, policies and guidance.

The Scottish Ministers' Considerations

Main Determining Issues

64. Ministers, having taken account of all the relevant information, consider the main determining issues are:

- environmental impacts of the proposed development, in particular the landscape and visual impacts, and the impacts of rock removal and the management of spoil on transport and local communities during the construction phase;
- the estimated economic benefits which the proposed development is likely to bring and;
- the extent to which the proposed development accords with and is supported by Scottish Government policy.

Assessment of the Determining Issues

Landscape and Visual Impacts

65. The EIA report submitted by the Company recognises that there will be significant effects on landscape character and on visual amenity in some areas.

66. SNH advised that the proposed development will have significant impact on the local landscape, that the impact of the dam will adversely affect the immediate rugged mountain landscape, particularly as viewed from local footpaths and hill tops including one Munro and one Corbett. SNH also state that there will be a reduction in the scenic qualities of Loch Lochy and Loch Oich Special Landscape Area. SNH added that the dam will be seen from a small section of the A82(T) road at Aberchalder, and users on this principal road and valued tourist route will also experience impact from the proposed development on the shore line of Loch Lochy, particularly when under construction. The operational impacts are not regarded by SNH as being significantly adverse.

67. The Planning Authority stated that the dam is the most significant above ground structure, and that other external structures will be limited in number by for example placing welfare facilities underground. The Planning Authority added that the proposed development should sit comfortably with the local landscape like a 'Corrie' set in mountains. The Zone of Theoretical Visibility (ZTV) indicates that the dam will not be extensively seen other than eastwards from the Choire towards Aberchalder, and will not be visible within lower areas of the Great Glen. The Planning Authority advised that the dam's layered rock face will be visible, in part, to people travelling south on a small section of the A82(T) road at Aberchalder.

68. The Planning Authority advised the outfall structures, jetty and administration buildings of the lower reservoir will be highly visible to road users on the southern shore of Loch Lochy using the main A82(T) road. However, the Planning Authority notes that final design details will be fully agreed in due course as elements of these will be dependent upon engineering decisions yet to be made within the underground workings of the proposed development. The Planning Authority considers it is likely that the administration buildings and workshop facilities on the shore line would help screen aspects of these buildings; that these buildings are to be built to a high design quality, in a way that makes use of local stone and merges with the local woodlands. The Planning Authority advised the proposed development will result in a more significant landscape and visual impact on the north shores of Loch Lochy highly visible to A82(T) road users on the south side of the loch and to those passing through the Caledonian Canal or Great Glen.

69. The Planning Authority consider that the visualisations produced underestimate the visual impact of some of the elements of the proposed development, specifically the lower reservoir works as viewed from Loch Lochy. The Planning Authority stated that the visualisations seem to show the best case scenario, where reinstatement hides part of the proposed development. SNH advised that the exposed areas will be substantially lighter in colour and more prominent than is shown in the visualisations. The Planning Authority advised that it would like particular attention to be given to the final design and the materials choice used in any construction to try and mitigate the visual impact of the lower reservoir works as viewed from Loch Lochy.

70. Scottish Ministers agree that some significant landscape and visual impacts will arise from the proposed development, as highlighted by SNH and the Planning Authority. Scottish Ministers have taken into account the initial prominence of the visual impact of the lower reservoir works and dam during construction and for a period immediately following construction before natural weathering of rock and stone finishes, and growth of vegetation, reduce the impact. Scottish Ministers consider that deemed planning permission condition 10 will ensure that the final design details of the proposed development have regard for its rural setting within a Special Landscape Area and that high quality design is achieved. On balance, the landscape and visual impacts are considered by the Scottish Ministers to be acceptable in the context of the wider benefits of the proposed development. Scottish Ministers are satisfied

that the Environmental Impact Assessment has identified, described and assessed the full extent of likely adverse environmental impacts. They are content that approved Site Exploratory Works, leading to creation of a final Design Detail Plan, will ensure that the project and necessary mitigation measures can be refined, such that the significant effects of the final design of the Development will be no more adverse than examined by them in the EIA process.

Rock Removal and Spoil Management

71. The Planning Authority advised that Spean Bridge, Roy Bridge and Achnacarry Community Council had particular concerns regarding the uncertainties of the rock removal and spoil management arising from the proposed development, highlighting a particular concern in respect of impact to traffic on the A82(T) and the consequential impacts that would occur in its communities, particularly if the proposed rock removal was undertaken southwards from the site via the trunk road network. The Planning Authority added that it considered the proposed development was likely to impact significantly on the local and trunk road network and recommended that Scottish Ministers include conditions for road improvement works.

72. Scottish Ministers are aware there is no single extraction method with the capacity to remove all spoil material at the rate required. The Company states that a combination of options will be required to remove material off site, including the use of the local road network and the use of the canal, and that the options will be submitted in a final transport and re-use of spoil plan to be assessed prior to the commencement of the main underground works.

73. Scottish Ministers agree with the Planning Authority and the Spean Bridge, Roy Bridge and Achnacarry Community Council that there is potential for significant impacts on the local road network and the A82(T) in particular. However, Scottish Ministers are satisfied that a requirement for Roads Improvement Schemes as recommended by the Planning Authority will provide adequate mitigation for these impacts. Accordingly, Scottish Ministers have attached conditions 17 and 18 to the deemed planning permission in respect of road improvements.

Economic Benefits of the proposed development

74. One of the four priorities of Scotland's Economic Strategy is for an economy where growth is underpinned by long-term sustainable investment in people, infrastructure and assets. The strategy adds that investment must be sustainable, not only in terms of tackling emissions, enhancing our natural capital and supporting the transition to a low carbon economy, but also through ensuring the sustainability of our communities.

75. The EIA report provides an assessment of the net additional employment created by the proposed development, for both the construction phase and the operational phase. For the construction phase, the EIA report contains an assessment of "Person year employment (PYE) impacts" and goes on to explain that the employment impacts during the construction phase are reported in PYE because the contracts would be for fixed lengths, and that person years measures the number of years of full-time employment generated by a project. The EIA report explains that, for example, an individual working on this project for 18 months would be reported as 1.5 PYE. The EIA report states that, taking account of displacement and multiplier effects, the construction of the proposed development is expected to generate 1,387 PYE in the Highlands and 1,816 at the Scottish level. This equates to a gross value added impact of £81.5 million to the Highlands and £123.9 million at the Scottish level over the seven-year core construction period.

76. The EIA report states that overall, taking account of displacement and multiplier effects, the operation of the proposed development once constructed is expected to create 24 net

additional full time jobs in the Highlands and a further 7 in the rest of Scotland, which would be sustained over the operational life of the proposed development. This equates to a gross value added impact of £1.1 million to the Highlands and £429,000 to the rest of Scotland per annum.

77. Scottish Ministers consider the proposed development is supported by Scotland's Economic Strategy as energy storage is complementary to the growth of renewable energy and contributes to the growth of the low carbon economy, while supporting jobs and investment in the energy sector.

The extent to which the proposed development accords with and is supported by Scottish Government policy

78. The proposed development has the potential to provide important balancing services to meet present and future needs and is consistent with Scottish Government policies for a low carbon energy system which includes the benefits of system security and flexibility that electricity storage can provide. Although the proposed development is not a renewable energy technology, its operation is an important subsidiary of the renewable sector and an important contributor to the energy mix.

79. As indicated in paragraphs 48 to 53, Scottish Ministers consider the proposed development accords with Scottish Government Climate Change and Renewable Energy Targets, even though it would not contribute new renewable energy it would not hinder progress to those targets and would provide flexible generation complementary to the wider deployment of renewables.

80. As indicated in paragraphs 54 to 55, Scottish Ministers consider that the proposed development is supported by the Scottish Energy Strategy.

81. As indicated in paragraphs 56 to 58, Scottish Ministers consider the proposed development is the type of National Development for which NPF3 establishes a need, and is therefore supported by NPF3.

82. As indicated in paragraphs 59 to 63, Scottish Ministers consider the proposed development contributes to sustainable development and when viewed as a whole is supported by SPP.

Other Environmental Considerations

Peat

83. SEPA are content that sufficient information has been collected to inform the application and layout of the proposed development in relation to peat. SEPA are content that the layout of the proposed development avoids areas of deep peat with the exception of two small areas on the temporary track. They consider that the draft Peat Management Plan provides a good level of detail for determining the application and welcomes the proposal for a finalised plan to be agreed by condition.

84. Scottish Ministers conducted a technical assessment of the Peat Landslide Hazard and Risk Assessment (PLHRA) included with the application by adopting advice from consultants AM Geomorphology Limited. An initial review found the PLHRA required minor revisions in order to ensure the assessment is sufficiently robust.

85. Following the submission of Additional Information in relation to PLHRA, Scottish Ministers conducted a further assessment of the PLHRA by adopting advice from consultants Ironside Farrar Limited. Scottish Ministers consider that the issue of potential instability from the construction and storage of peat has now been well reviewed, and consider that deemed planning conditions requiring further assessment of risk and mitigation through construction environmental management will address peat landslide hazard and risk satisfactorily, ensuring that appropriate mitigation will be established.

Summary of Scottish Ministers' Considerations

86. Scottish Ministers consider the landscape and visual impacts are not of a level which would warrant a refusal of consent, and are acceptable in the context of the wider benefits of the proposed development. Scottish Ministers are satisfied that that the proposed development can be accommodated within the landscape, and that deemed planning permission condition 10 will ensure the final design details of the proposed development have regard for the rural setting of the proposed development within a Special Landscape Area and that high quality design is achieved.

87. Scottish Ministers have considered the potential for significant impacts on the local road network and the A82(T) in particular arising from the removal of rock and spoil. Scottish Ministers are satisfied that deemed planning permission conditions 17 and 18 provide adequate mitigation for such impacts through road improvements.

88. Scottish Ministers consider the proposed development would provide economic benefits to the Highland and wider Scottish economy, with significant jobs and investment during the construction phase and long terms jobs throughout the operational life of the proposed development.

89. Scottish Ministers consider the proposed development accords with the National Planning Framework NPF3, Scottish Planning Policy and the Local Development Plan; it would bring positive economic benefits and is compatible with climate change and renewable energy targets.

90. Scottish Ministers consider the proposed development is supported by the Scottish Energy Strategy, which emphasises the need for low carbon options for new energy storage. The benefits which 1500MW of pumped storage capacity would provide in terms of the Scottish Energy Strategy weigh heavily in favour of the development.

91. Scottish Ministers conclude that while there are negative impacts in terms of landscape and visual impacts, these are outweighed by the benefits of the proposed development in providing flexible, low carbon electricity generation.

Conclusions

Reasoned Conclusions on the Environment

92. Scottish Ministers have fully considered the EIA report, the Additional Information and the consultation responses in respect of the proposed development. The significant effects of the proposed development on the environment are considered to be those on the landscape, the removal of rock and spoil, and the disturbance of peat. The Scottish Ministers are satisfied that other environmental issues can be appropriately addressed by the mitigation measures set out in Volume 4 Appendix 3.2 of the EIA Report and secured by conditions attached to the planning permission deemed to be granted.

93. Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the development on the environment. Ministers are satisfied that this reasoned conclusion is up to date.

Duration of Planning Permission

94. Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years. Section 58(2) of that Act enables Ministers to direct that a longer period is allowed before planning permission lapses.

95. Scottish Government policy is that due to the constraints, scale and complexity of constructing electricity infrastructure developments, a 5 year time scale for the commencement of development is typically appropriate. Scottish Ministers consider that a period longer than 5 years is appropriate in this case.

96. As a consequence of the complex and detailed pre-construction works for the construction of the proposed development, in combination with the potential delays the COVID-19 pandemic may have on predicted construction timescales, the Scottish Ministers consider it is reasonable to add an additional two years to typical timescales and allow 7 years in total from the date of this letter before planning permission lapses if development has not begun.

The Scottish Ministers' Determination

97. Subject to the conditions set out in Part 1 of Annex 2, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for construction and operation of a Hydroelectric Pumped Storage Generating Station at Coire Glas, Kilfinnan near Spean Bridge in the Highland Council area (as described in Annex 1).

98. Subject to the conditions set out in Part 2 of Annex 2, Scottish Ministers **direct under section 57 (2) of the Town and Country Planning (Scotland) act 1997 that planning permission be deemed to be granted** in respect of the proposed development described in Annex 1.

99. The consent hereby granted will last for a period of 75 years from the Commissioning of the proposed development.

100. The Scottish Ministers **direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission and that planning permission is to lapse on the expiry of a period of 7 years from the date of this direction** if there has not been Commencement of the proposed development within that period.

101. In accordance with the EIA Regulations, the Company must publicise this determination on a website maintained for the purpose of making information publicly available and in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

102. Copies of this letter and the consent have been sent to the Planning Authority. This letter has also been published on the Scottish Government Energy Consents website www.energyconsents.scot

103. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine Applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts <http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=20>

104. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely



Alan Brogan
For and on behalf of the Scottish Ministers
A member of the staff of the Scottish Government

Description of the Development

The Development comprises the construction and operation of a Pumped Storage Hydro Electric Station at Coire Glas, Kilfinnan, Spean Bridge, Lochaber in the Highland Council planning area as described in the application and accompanying EIA report submitted on 28 March 2018 and Additional Information added to the EIA report.

The principal components of the Development are:

- Dam and Upper Reservoir – Construction of a dam to enable the storage of water, increasing the size of the existing Loch a' Choire Ghlais to form an Upper Reservoir;
- Upper Control Works - An intake tower, and access tunnel, screens, gate and gate shaft located within the upper reservoir to direct water into the headrace tunnel and underground waterway system;
- Underground Waterway System – which comprises of a headrace tunnel, surge shaft, ventilation shaft, high pressure shaft/tunnel, tailrace tunnel, all located underground between the upper and lower control works;
- Cavern Power Station - a series of underground caverns containing reversible pump-turbines and motor-generators together with associated equipment including transformers and switchgear;
- Lower Control Works - two screened inlet/outlet structures and stop logs, positioned at the end of the tailrace tunnel below minimum water level. These structures would channel water in and out of Loch Lochy;
- Jetty - located on the shore of Loch Lochy to facilitate use of the Caledonian Canal system for the transport of heavy equipment and materials, and the removal of tunnel spoil;
- Administration building - an above ground administration and workshop building required for day to day operational and maintenance tasks;
- Access Tunnels - a main access tunnel and an emergency access tunnel giving access to the underground power plant, close to the shore of Loch Lochy;
- Access Tracks and Water Crossings– providing access to the upper reservoir and lower control works; to include upgrading of existing routes, new permanent tracks and temporary tracks;
- Site Establishment Areas;
- Tree Felling;
- Workers' Camps; and
- Borrow Pits.

Part 1

The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:

1. Duration of the Consent

The consent is for a period of 75 years from the date of Commissioning of the Development.. Written confirmation of the date of Commissioning of the Development shall be provided to the Scottish Ministers and the Planning Authority not later than one calendar month after the event.

Reason: *To define the duration of the consent.*

2. Commencement of the Development

- (1) The Development shall be commenced no later than seven years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.
- (2) Written confirmation of the intended date of Commencement of the Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date.

Reason: *To ensure that the consent is implemented within a reasonable period. And to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate*

3. Notification of Date of Commencement of Site Exploratory Works and Commencement of the Development

- (1) Written confirmation of the date of Commencement of Site Exploratory Works shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.
- (2) Written confirmation of the date of Commencement of the Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date..

Reason: *To ensure that Scottish Ministers and the Planning Authority are aware of the progress of the project and to allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.*

4. Non-assignment

- (1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions.

- (2) The Company shall notify the Planning Authority and Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

5. Peat Landslide Risk

- (1) No development, other than Site Exploratory Works, shall commence unless and until an updated Peat Slide Risk Assessment (PSRA) has been submitted to and approved in writing by the Scottish Ministers in consultation with the Planning Authority. The PSRA shall:
 - (a) be informed by detailed ground investigation to identify areas of deep peat, which will follow Best Practice Guidance published in 2017 including quantitative stability assessment;
 - (b) set out the depth of peat across construction and excavation areas within the site;
 - (c) set out updated mitigation measures following the detailed ground investigations;
 - (d) set out work method statements and any updates on management and storage of excavated peat;
 - (e) describe how important areas of peat will be protected during construction.
- (2) The assessment must be carried out in accordance with Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Development, published by the Scottish Government in 2017.
- (3) Thereafter the Development shall be undertaken in accordance with the terms of the approved assessment.

Reason: *To protect the environment, minimise risk of peat landslide and ensure development conforms to Environmental Impact Assessment report.*

6. Woodland Replanting Scheme

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works, unless and until a Woodland Replanting Scheme which complies with the requirements of the UK Forestry Standard (or such replacement standard as may be in place at the time of submission of the Woodland Replanting Scheme) and the guidelines to which it refers, and which shall compensate for all permanent woodland removal associated with the Development, has been submitted to and approved in writing by the Scottish Ministers in consultation with the Planning Authority.
- (2) The Woodland Replanting Scheme must include:
 - (a) details of the total area in hectares and types of woodland removed or requiring removal for the Development;
 - (b) The location of any and all areas proposed to be planted in compensation;
 - (c) details of the associated timescales for implementing the compensatory planting including any phasing; and
 - (d) proposals for reporting to the Scottish Ministers on compliance with timescales and on implementation.

(3) The approved Woodland Replanting Scheme shall be implemented in full unless otherwise agreed in writing by the Scottish Ministers following consultation with the Planning Authority.

Reason: *To secure compensatory planting for the loss of woodland arising from the Development.*

7. Serious Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Reason: *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*



Part 2 –

The Planning Permission deemed to be granted under section 57 of the Town and Country Planning (Scotland) Act 1997 for the Development described in Annex 1 is subject to the following conditions:

8. Development in accordance with the approved plans

Except as otherwise required by the terms of the section 36 consent and deemed planning permission, or as required by the approved Detailed Design Plan, the Development shall be undertaken in accordance with the Application, the Environmental Impact Assessment (EIA) Report (incorporating the Additional Information) including the schedule of mitigation provided within the EIA report.

Reason: *to ensure that the Development is carried out in accordance with the approved details.*

9. Site Exploratory Works

- (1) No development shall commence on the Site unless and until a programme of Site Exploratory Works, detailing the extent, area and timings of such works (the ‘Site Exploratory Works Programme’) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH. The Site Exploratory Works Programme must as a minimum provide for the following:
 - (a) The full-time employment of a suitably qualified and experienced Ecological Clerk of Works, or equivalent, for the project, with specific responsibility for environmental management and the authority to take action when required, including stopping operations and implementing mitigation measures;
 - (b) The employment of a Planning Monitoring Officer, to discharge and to monitor compliance with this condition, including provision of a quarterly compliance report to the Council;
 - (c) A programme for environmental auditing and monitoring in and around the Site, before and during the Site Exploratory Works, to include the establishment of an environmental checklist, to monitor and input into the planning of construction activities and ensure implementation of all environmental mitigation measures;
 - (d) A site specific statement outlining drainage and sediment management for all exploration areas and measures to limit above ground construction activities during periods of high rainfall, including weather forecasting and actions to be taken in advance of adverse forecasts.
 - (e) Working arrangements, including a programme for the phasing of operations, and particularly the movement of plant, materials and rock into, across and out of the site to minimise, so far as reasonably possible, impact on communities or businesses adjacent to or in close proximity to the Site. Such arrangements shall be set out having regard to the road improvement schemes and the Route Access Report required by Conditions 17 and 18;
 - (f) Waste Management and Pollution Controls including contingency plans in case of pollution incidents;
 - (g) A programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, all in accordance with the Highland Council Standards for Archaeological Work, which must be submitted for the written approval of the Planning Authority. The approved programme must be implemented in accordance

- with the agreed timetable for investigation unless otherwise agreed in writing with the Planning Authority;
- (h) Details for the delivery, storage, loading and unloading of plant and materials to be used in constructing the development, with particular regard for the deployment of HGVs and any abnormal loads;
 - (i) Measures to control the emission of dust and dirt during construction;
 - (j) Provision of welfare facilities on site during construction and the means of disposal of foul drainage;
 - (k) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disruption to these provisions from Site Exploratory Works;
 - (l) An Access Management Plan to maintain public access and promote the general safety of walkers, cyclists, fishing and game stalking parties, canoeists and other marine users out-with the principal construction areas and access roads serving the Development during the Site Exploratory Works. A key principal to be advanced within the Plan is to minimise restrictions on public access to important recreational facilities including the Great Glen Way and local hilltops;
 - (m) Wheel washing facilities to prevent vehicles associated with the Site Exploratory Works from depositing mud or dirt on the public road network when leaving the Site.
 - (n) Lighting for Site Exploratory Works which will minimise illumination, glare or light spillage outwith the site boundary.

All Site Exploratory Works must be carried out in accordance with the approved Site Exploratory Works Programme unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure that all Site Exploratory Works are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application are fully implemented.*

10. Approval of Design Detail

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a Design Detail Plan, containing all final design details for the elements of the Development set out at paragraph 2 of this condition, has been submitted to and approved by the Planning Authority. The Planning Authority shall consult with the Scottish Ministers, SEPA and SNH prior to approval.
- (2) All work must then be carried out in accordance with the approved Design Detail Plan unless otherwise agreed in writing with the Planning Authority. The elements of the Development that must be included in these details are:
 - (a) Dam and upper reservoir, including intakes and spillway;
 - (b) Tunnel portals and vent shafts;
 - (c) Cavern power station, substation and welfare facilities;
 - (d) Tail race;
 - (e) Temporary and permanent jetty and supporting quayside infrastructure on Loch Lochy;
 - (f) All above ground facilities including administration buildings and associated external infrastructure and parking areas;

- (g) All roads, access tracks and water-crossings serving the Development including details on amendments to the Great Glen Way and local forestry tracks;
- (h) Pathways, earthworks and areas of landscaping including proposals for compensatory tree planting and amendments to the Great Glen Way;
- (i) Borrow pits;
- (j) Site establishment areas;
- (k) Site compounds and work camps;
- (l) All site boundary treatments and external lighting provisions;
- (m) All mitigation measures to be implemented in association with the Development as set out in the Environmental Impact Assessment Report and as required by the conditions of this consent and planning permission, unless otherwise amended by the approved Design Detail Plan.

Reason: *To ensure the final design details of the Development have regard for rural setting of the Development Site within a Special Landscape Area and the commitment to high quality design as set out in the Environmental Impact Assessment Report.*

11. Spoil Management Plan

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a detailed report evaluating options for the use of all excavated material, with a preferred Spoil Management Plan, has been submitted in writing to, and approved by, the Planning Authority in consultation with SEPA and SNH.
- (2) The Development must be implemented in compliance with the approved Spoil Management Plan, including any further planning permissions that will be required for any specific elements of the approved Spoil Management Plan that are in addition to the provisions of this consent, unless otherwise agreed in writing with the Planning Authority.
- (3) The detailed report and preferred Spoil Management Plan must be prepared with input from suitably qualified professionals. It must:
 - (a) Identify the final volumes and likely nature of the material to be excavated;
 - (b) Identify the potential use of all excavated material either as part of the Development or for other construction projects or uses in the general locality;
 - (c) Identify any temporary or long term storage requirements on or off site
 - (d) Identify all traffic impact consequences, including use of the Caledonian Canal and moving the excavated material from the tunnel portals to on or off site locations; and
 - (e) Assess the feasibility and environmental impact of each option, and identify the need for any additional planning permissions or licences.

The Development must be implemented in compliance with the approved Spoil Management Plan, including any further planning permissions that will be required for any specific elements of the approved Spoil Management Plan, unless otherwise agreed in writing with the Planning Authority

Reason: *To provide a full and up to date assessment of the proposals for all excavated material from the underground workings associated with this project and to ensure compliance with sustainable waste management and that appropriate safeguards and mitigations measures are in place.*

12. Soil and Peat Management Plan

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a signalised site specific Soil and Peat Management Plan which includes detail of how disruption to peat lands will be minimised has been submitted for the written approval of the Planning Authority, in consultation with SEPA.
- (2) The Plan must address the matters set out by SEPA at paragraph 4.2 of the consultation response to the Scottish Ministers dated 14 May 2018.
- (3) All work must thereafter be carried out in accordance with the approved Plan unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure that the construction minimises in so far as reasonably practicable its impact on the local peat resource.*

13. Archaeological Investigations

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed Development, including a timetable for investigation, all in accordance with the Highland Council Standards for Archaeological Work, must be submitted for the written approval of the Planning Authority.
- (2) The approved programme must be implemented in accordance with the agreed timetable for investigation unless otherwise agreed in writing with the Planning Authority.

Reason: *In order to preserve the archaeological and historical interest of the Site.*

14. Construction and Environmental Management Document

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a finalised Construction and Environmental Management Document (CEMD) has been submitted to and approved by the Planning Authority, in consultation with SEPA and SNH.
- (2) The CEMD must as a minimum provide for the following: -
 - (a) The full-time employment of a suitably qualified and experienced Ecological Clerk of Works, or equivalent, for the construction project, with specific responsibility for environmental management and the authority to take action when required, including stopping operations and implementing mitigation measures;
 - (b) The terms of appointment by the Company of an independent and suitably qualified environmental consultant as Planning Monitoring Officer (“PMO”). The terms of appointment shall impose a duty to monitor compliance with the terms and conditions of this planning permission, including the provision of a quarterly compliance report to the Council, and requirement for the PMO to report any incidences of non-compliance with the aforementioned terms and conditions at the earliest practical opportunity;

- (c) A programme for environmental auditing and monitoring in and around the Site, before and during construction and for 18 months after the Development completion date, to include the establishment of an environmental checklist, to monitor and input into the planning of construction activities and ensure implementation of all environmental mitigation measures;
- (d) Details of all pre construction surveys of wildlife and plants, together with appropriate mitigation measures for all protected species including but not limited to wildcat and otter, to ensure all contractors are made aware of the possible presence of and the required mitigation and the laws for protected species. This must also confirm measures to address valued lichens, bryophyte, fungi, eagle conservation and arctic charr as highlighted within consultation responses to the application by SNH and Marine Scotland;
- (e) A site specific statement outlining drainage and sediment management for all construction areas and measures to limit above ground construction activities during periods of high rainfall, including weather forecasting and actions to be taken in advance of adverse forecasts;
- (f) Working arrangements, including a programme for the phasing of operations, and particularly the movement of plant, materials and rock into, across and out of the site to minimise, so far as reasonably possible, impact on communities or businesses adjacent to or in close proximity to the Site. Such arrangements shall be set out having regard to the road improvement schemes and the Route Access Report required by Conditions 17 and 18;
- (g) Waste Management and Pollution Controls including contingency plans in case of pollution incidents;
- (h) A Noise Management Plan, including details of the timing and methodology of any piling and blasting associated with the Development, outlining steps to be taken to reasonably minimise all principal sources of noise, and vibration activities that are likely to be audible beyond the Site boundary. The noise management plan shall also include measures for community liaison to advise on the timing and duration of blasting activities;
- (i) Details for the delivery, storage, loading and unloading of plant and materials to be used in constructing the Development, with particular regard for the deployment of HGVs and any abnormal loads;
- (j) Measures to control the emission of dust and dirt during construction;
- (k) Provision of welfare facilities on site during construction and the means of disposal of foul drainage;
- (l) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disruption to these provisions from construction activity;
- (m) An Access Management Plan to maintain public access and promote the general safety of walkers, cyclists, fishing and game stalking parties, canoeists and other marine users out-with the principal construction areas and access roads serving the Development. A key principal to be advanced within the Plan is to minimise restrictions on public access to important recreational facilities including the Great Glen Way and local hilltops;
- (n) Wheel washing facilities to prevent vehicles associated with the construction from depositing mud or dirt on the public road network when leaving the Site;
- (o) Lighting for construction activities which will minimise illumination, glare or light spillage out-with the site boundary;
- (p) A Construction Site Re-Instatement Plan;
- (q) an appropriately experienced and qualified engineering geologist/ geotechnical engineer to be appointed prior to and during the construction phase, to provide advice during the setting out, micro-siting and construction phases of the works;

- (r) a Geotechnical Risk Register to be developed and maintained by the appointed geotechnical engineer;
- (s) minimisation of “undercutting” of peat slopes, but where this cannot be avoided, provision that a more detailed assessment of the area of concern by the geotechnical engineer may be required.

All works must be carried out in accordance with the approved CEMD unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure the impacts of construction are well understood by all parties involved with the construction of the project and that best practices are deployed to mitigate the expected impacts of the Development on the local environment both generally and with regard to specific resources or features.*

15. Modifications to Mucomir Barrage and Power Station

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until details of any proposed modifications to the Mucomir Barrage and Power Station have been submitted to in writing and approved by the Planning Authority, in consultation with SEPA.
- (2) Details must include the proposed means of regulating flows into the River Lochy and details of any modifications proposed to the existing fish passage arrangements.
- (3) The approved modifications must be implemented prior to the operation of the generating station unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure the approved flow regime downstream of the Mucomir Power Station is maintained and the offered mitigation in respect of the fish passage is secured.*

16. Habitat Management Plan

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a Habitat Management Plan (“HMP”) has been submitted to, and approved in writing by the Planning Authority in consultation with SNH and SEPA.
- (2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall set out all environmental buffers within the Development site, all micro-siting restrictions for all track developments across the site and any exceptions agreed with the planning authority, SEPA, SNH and other relevant bodies in development of the plan.
- (3) The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the HMP objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken prior to Commissioning of the Development which shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA.
- (4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full throughout the lifetime of the Development.

Reason: *In the interests of good land management and the protection of habitats.*

17. Road Improvements Scheme 1 and Access

- (1) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until the following documents have been submitted to and approved by the Planning Authority in consultation with Transport Scotland:
 - (a) A Road Improvements Scheme which sets out:
 - i. Measures to be undertaken by the Company to secure improvements to the A82 (T) and A87 (T) entrances to the trunk road network, and to the bridges along the A82(T) road having regard to their narrowness, with details of proposed methods of construction for each;
 - ii. Measures to be undertaken by the Company to secure improvements to the bridges along the A82(T) road in view of their narrowness, and;
 - iii. Details of proposed methods of construction for each part of the Scheme.
 - (b) A Route Access Report, including swept path analysis, to ensure that exceptional loads can be transported through the trunk road network safely. The report shall detail any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc. and shall demonstrate that deliveries will not have any detrimental effect on the trunk road, including structures, along the designated route(s).
- (2) The approved Road Improvement Scheme and Route Access Report shall thereafter be implemented in full unless otherwise agreed in writing with the Planning Authority.

Reason: *To minimise interference with the safety and free flow of the traffic on the trunk road network.*

18. Road Improvements Scheme 2 – Lower Reservoir Site Area

- (1) No development shall take place at the Lower Reservoir Site Area, other than Site Exploratory Works approved in terms of condition 9, unless and until a scheme for improvements to the road between the A82 (T) at North Laggan and Kilfinnan Farm has been submitted to and approved by the Planning Authority.
- (2) The scheme shall, as a minimum, set out;
 - (a) the phasing and timing for completion of improvements to the road to the satisfaction of the local Roads Authority;
 - (b) the design of the phased road improvements, which must retain access for all existing households and businesses, and the type and method of construction for all improvements to be undertaken, and;
 - (c) Measures to be undertaken by the Company to make good any damage to the road caused by heavy vehicles associated with the Development.

Reason: *To ensure the local road network is improved to an appropriate standard to serve the Development and to retain community access generally during construction.*

19. Above Ground Construction Working Hours

- (1) Unless otherwise agreed in writing with the Planning Authority, all above ground construction works including construction traffic entering and leaving the Site pursuant to Site Exploratory Works or the Development is restricted to the operational hours listed below. For the avoidance of any doubt this will exclude staff entering and leaving the Site in cars or buses. Exceptions will be permitted, subject to the prior agreement in writing of the Planning Authority, for particular engineering operations requiring continuous working beyond the permitted hours.
 - (a) Movement of HGVs into or out of the site or within 0.5km of any residential or tourist accommodation unit, existing at the date of the consent, can only take place between 09.00 hours and 17.00 hours on Monday to Friday and 09.00 hours and 14.00 hours on Saturdays.
 - (b) Construction of access roads associated with this development within 0.5 km of any residential or tourist accommodation unit can only take place between 09.00 hours and 17.00 hours on Monday to Friday and 09.00 hours to 14.00 hours on Saturday.
 - (c) Surface Blasting can only take place between 10.00 hours and 15.00 hours on Monday to Friday and only on dates pre-notified to the community in accordance with the approved Noise Management Plan.

Reason: *To ensure that residents and customers retain periods of quiet during the construction phase of the Development.*

20. Financial Guarantee

- (1) No development shall commence unless and until a bond or other form of financial guarantee as security in respect of the cost of performance of all Site Exploratory Works Re-Instatement Plan obligations, as referred to in Condition 22, has been submitted to the Planning Authority by the Company and has been agreed to in writing by the Planning Authority.
- (2) There shall be no Commencement of the Development, other than Site Exploratory Works, unless and until a bond or other form of financial guarantee as security in respect of the cost of performance of all decommissioning, restoration and aftercare obligations, referred to in Condition 22, has been submitted to the Planning Authority by the Company and has been agreed to in writing by the Planning Authority.
- (3) The value of the financial guarantees referred to in (1) and (2) shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all Site Exploratory Works Re-Instatement Plan obligations as approved, or decommissioning, restoration and aftercare obligations as approved (whichever the case may be) as referred to in Condition 22.
- (4) The financial guarantees shall be maintained in favour of the Planning Authority from the Commencement of Site Exploratory Works or Commencement of the Development, such as the case may be, until the date of completion of all related obligations as referred to in Condition 22.
- (5) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five

years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review. Following each review and at least 28 days prior to the expiry of the existing financial guarantee the Company shall submit for the written approval of the Planning Authority a replacement guarantee in favour of and in terms acceptable to the Planning Authority for the value agreed.

Reason: *To ensure that there are sufficient funds to secure performance of the re-instatement, decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.*

21. Redundancy

- (1) Unless otherwise agreed in writing by the Planning Authority, if, following Commissioning of the Development, the Development fails to generate electricity for a continuous period of twelve months, a scheme setting out how the generating station will be brought back into productive use or will be decommissioned and the site restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.
- (2) The approved scheme shall be implemented within six months of the date of its approval, or such period as agreed in writing with the Planning Authority, and to the satisfaction of the Planning Authority.

Reason: *To ensure that generating station is returned to use or decommissioned in the event that it falls into disuse.*

22. Site Re-Instatement, Decommissioning, Restoration and Aftercare

- (1) No development shall commence unless and until a Site Exploratory Works Re-Instatement Plan has been submitted to, and approved by, the Planning Authority. The Re-Instatement Plan shall provide for detailed proposals for the reinstatement of any land within the Site on which development has taken place in pursuance of the Site Exploratory Works Programme. The approved Site Exploratory Works Re-Instatement Plan shall thereafter be implemented by the Company in full.
- (2) The Development shall be decommissioned and cease to generate electricity by no later than the date falling 75 years from the Commissioning of the Development. The total period for restoration of the Site in accordance with this condition shall not exceed five years from the date upon which the Development ceases to generate electricity, unless prior written approval has been sought from and provided by the Scottish Ministers in consultation with the Planning Authority.
- (3) There shall be no Commencement of the Development, other than Site Exploratory Works approved in terms of condition 9, unless and until a draft decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority.
- (4) No later than 3 years prior to decommissioning of the Development, or the expiry of the section 36 consent (whichever is earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved draft decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the

Planning Authority in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development (or where appropriate part of the Development), the treatment of ground surfaces, the management and timing of the removal and restoration works and provisions for managing the environmental impacts of decommissioning the Development.

- (5) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: *To ensure any site exploratory works are reinstated, and to ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration of the site and in the interests of safety, amenity and environmental protection.*

23. Community Liaison Group

- (1) There shall be no Commencement of the Development unless and until the applicant has submitted to the Planning Authority, and the Planning Authority has approved, a plan to establish and manage a Community Liaison Group (CLG). The purpose of the CLG shall be to discuss the progress of the construction of the Development and its initial years of operation following First Commissioning. The CLG shall sustain an open invitation to representatives of Glengarry Community Council, Spean Bridge, Roy Bridge and Achnacarry Community Council and residents within 5km of the Development site.
- (2) The approved plan shall thereafter be implemented as agreed, including a general timetable to ensure meetings are held in advance of critical periods of construction activity or on a reasonably regular basis to facilitate purposeful community engagement.

Reason: *To provide for effective community consultation on the Development and operation of the substation in its early years.*

Definitions

In this consent and deemed planning permission:-

“Commencement of the Development” means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 26 of the Town and Country Planning (Scotland) Act 1997.

“Commissioning of the Development” means the date on which electricity is first generated and supplied by the Development on a commercial basis;

“the Company” means Coire Glas Hydro Pumped Storage Limited, a company incorporated under the Companies Acts with company number SC561128 and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ or such other person who from time to time may lawfully have the benefit of this consent;

“decommissioning” means the dismantling and removal of the pumped storage scheme and associated structures including the sealing of all pipelines and tunnels and the restoration of the Site in accordance with the approved decommissioning restoration and aftercare plan;

“the Development” means the Development described in Annex 1.

“Lower Reservoir Site Area” means the lower control works, the jetty and administration building, and works at the Emergency Access Tunnel portal, all as depicted on the scheme overview Figure 3.1 of the EIAR;

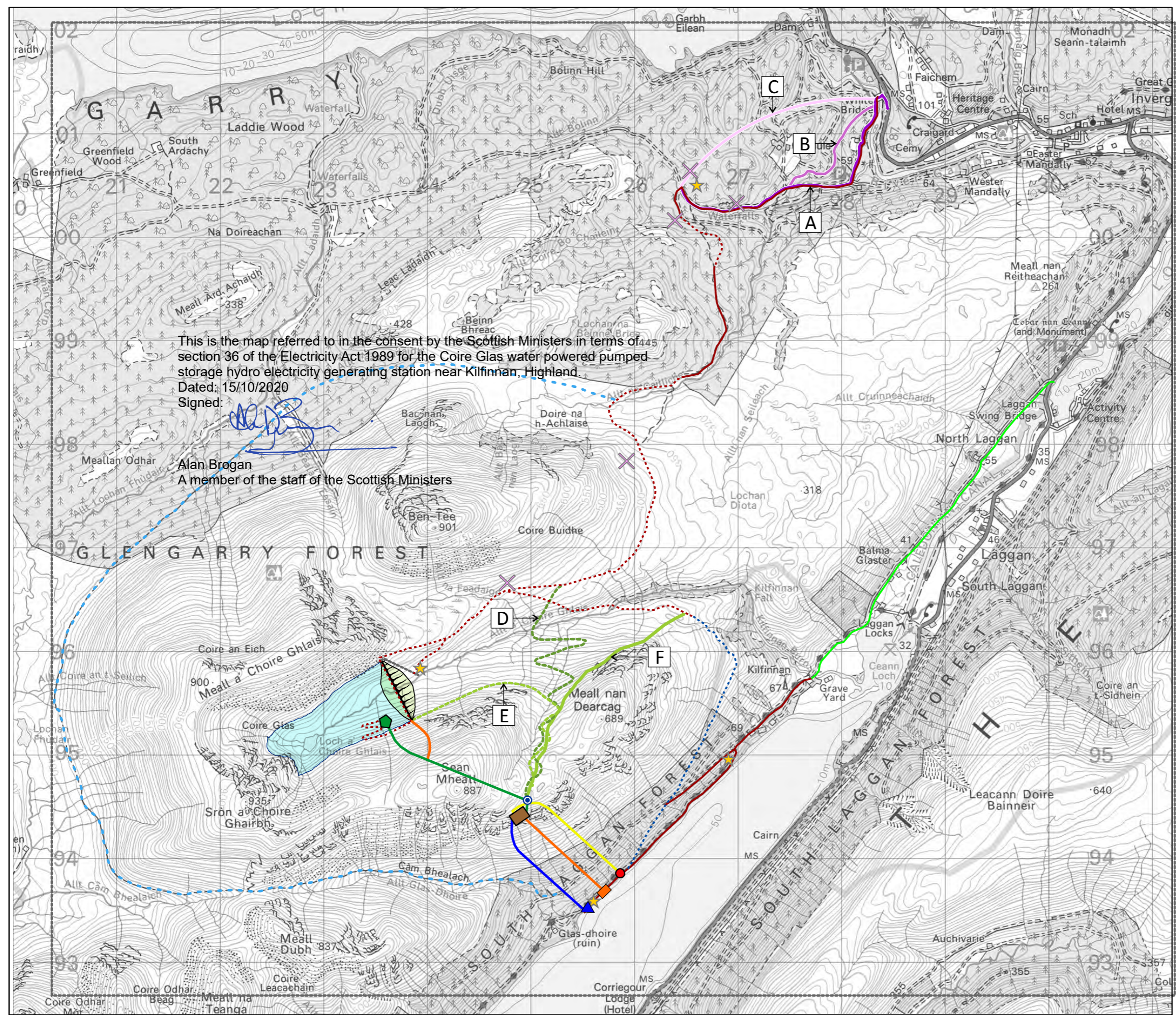
“Planning Authority” means The Highland Council;

“SEPA” means Scottish Environment Protection Agency;

“the Site” means the land shown within the red line in Figure 1.1 of the EIAR, reproduced at Annex 3;

“Site Exploratory Works” means (i) site investigation, exploratory or preparatory works or surveys required for the purpose of satisfying or discharging any pre-commencement obligations under the section 36 conditions or the planning conditions and (ii) the provision of temporary contractors’ facilities within the site that are necessary for the aforementioned (i) above.

“SNH” means Scottish Natural Heritage.



This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the Coire Glas water powered pumped storage hydro electricity generating station near Kilfinnan, Highland.
 Dated: 15/10/2020
 Signed:

Alan Brogan
 A member of the staff of the Scottish Ministers

- Key:
- Alternative Track Options through Forestry
 - Surge Shaft Track Options
 - Alternative Track to Link Lower Reservoir to Upper Reservoir
 - Upper Reservoir
 - Dam and Embankment
 - Spillway Channel
 - Intake Tower
 - Headrace Tunnel (underground)
 - Tailrace Tunnel (underground)
 - Access Tunnel (underground)
 - Emergency Access Tunnel (underground)
 - Cavern Power Station (underground)
 - Surge / Ventilation Shafts
 - Emergency Access Tunnel Portal
 - Lower Control Works
 - Jetty & Administration Building
 - Existing Road to be Upgraded
 - Existing Track to be Upgraded
 - Permanent New Access Track
 - Temporary New Access Track
 - Indicative Borrow Pit Area
 - Indicative Site Establishment Area

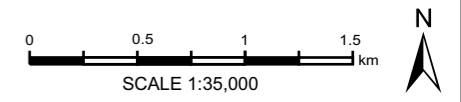
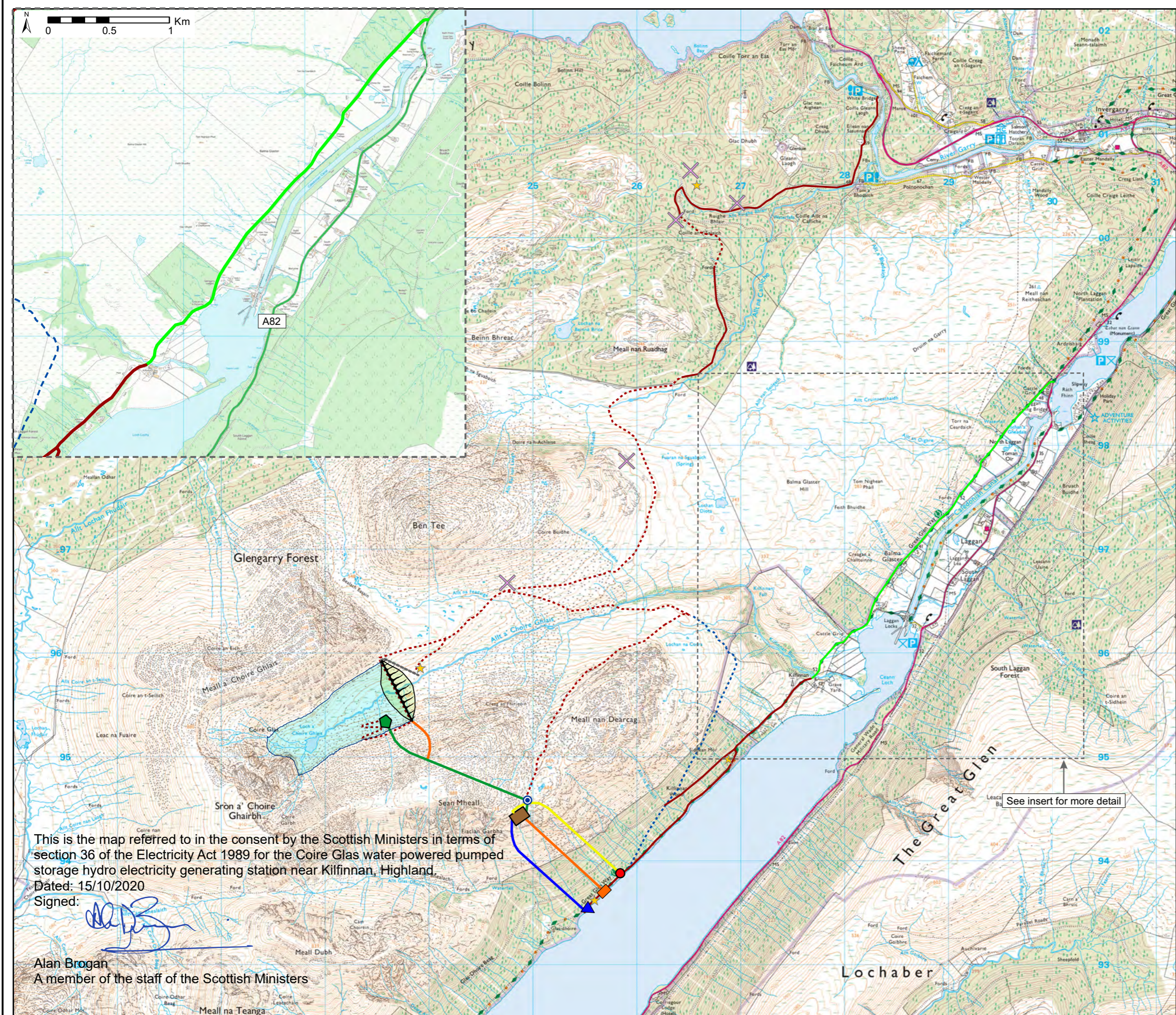


Figure 2.1
Access Track Alignment Options
 Revised Coire Glas Pumped Storage Scheme
 EIA Report



- Key:
- Upper Reservoir
 - Dam and Embankment
 - Spillway Channel
 - Intake Tower
 - Headrace Tunnel (underground)
 - Tailrace Tunnel (underground)
 - Access Tunnel (underground)
 - Emergency Access Tunnel (underground)
 - Cavern Power Station (underground)
 - Surge / Ventilation Shafts
 - Emergency Access Tunnel Portal
 - Lower Control Works
 - Jetty & Administration Building
 - Existing Road to be Upgraded
 - Existing Track to be Upgraded
 - Permanent New Access Track
 - Temporary New Access Track
 - Indicative Borrow Pit Area
 - Indicative Site Establishment Area

This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the Coire Glas water powered pumped storage hydro electricity generating station near Kiltinnan, Highland.
 Dated: 15/10/2020
 Signed:

Alan Brogan
 A member of the staff of the Scottish Ministers

See insert for more detail

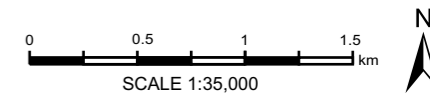
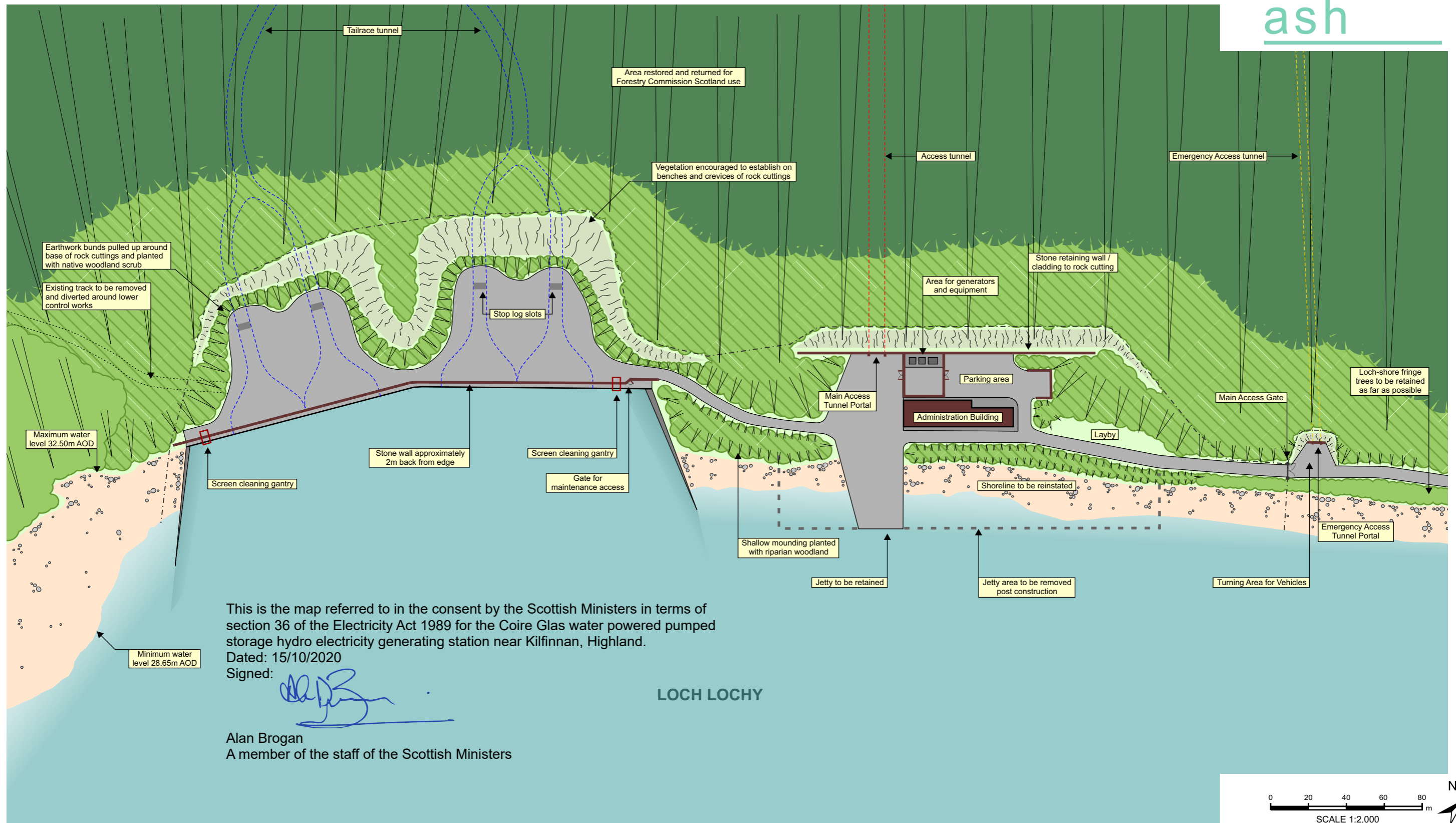


Figure 3.1
Scheme Overview

Revised Coire Glas Pumped Storage Scheme
 EIA Report



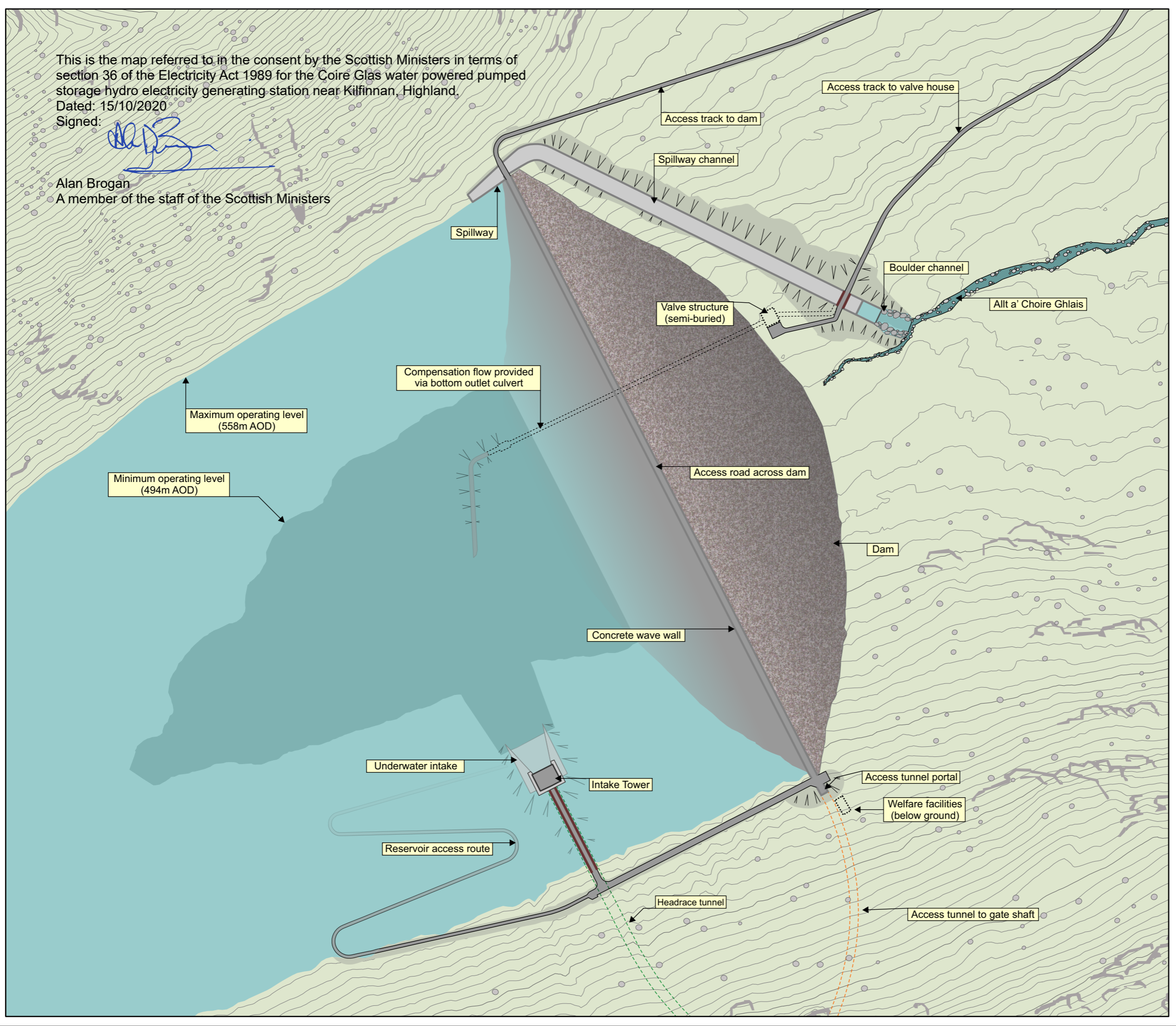
Key:

	Water (Loch Lochy)		Proposed native woodland planting		Indicative alignment of tailrace tunnel		Proposed stone wall / cladding		Indicative extent of jetty to be reinstated post construction
	Existing forestry plantation		Rock cutting with regeneration of vegetation		Indicative alignment of access tunnel		Indicative alignment of post and wire fence		Indication of slope
	Existing native woodland to be retained		Loch shore		Indicative alignment of emergency access tunnel				

Figure 3.2
Indicative Layout of Lower Reservoir Works
 Revised Coire Glas Pumped Storage Scheme
 EIA Report

This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the Coire Glas water powered pumped storage hydro electricity generating station near Kilfinnan, Highland.
 Dated: 15/10/2020
 Signed:

Alan Brogan
 A member of the staff of the Scottish Ministers



- Key:
- Maximum operating level of reservoir (558m AOD)
 - Minimum operating level of reservoir (494m AOD)
 - Moorland vegetation (existing and areas to be reinstated)
 - Exposed bedrock and boulders
 - Indicative cutting to be reinstated
 - Existing river
 - Proposed access track
 - Proposed bridge
 - Proposed wall
 - Indicative alignment of intake tunnel
 - Indicative alignment of access tunnel
 - Bottom outlet culvert
 - Below ground building

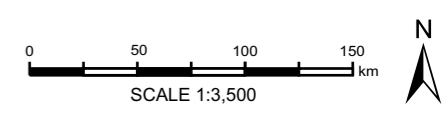


Figure 3.3
Indicative Layout of Dam