

Cover letter to NDSFB

Dear Mr. Shaw,

We provide as an enclosure to this letter the following documents:

- Response to NDSFB consultation response of August 2025
- Response to NDSFB consultation response of October 2025

We trust these are self-explanatory and thank you for the clear efforts taken by NDSFB to provide comments on the proposed development. We have carefully considered the concerns raised and provide our responses in the relevant enclosures.

We are also writing to share with you a commitment GEE has made to fund a Ness Catchment Regeneration and Biodiversity Monitoring Programme, on which we provide some context below.

You will of course recall that in addition to NDSFB and GEE collaborating on the first large-scale smolt migration study conducted in Loch Ness, we also engaged in constructive discussions during the first half of 2025 with respect to the possibility of GEE committing to funding a Ness Catchment Regeneration Programme. NDSFB have always made it clear that they object in principle to any new pumped storage on Loch Ness, and all our discussions were held with this as a background context. At a certain point in time (during June and July 2025), NDSFB confirmed that they intended to object to the GEE Pumped Storage project. While disappointing to GEE, we of course respect that the planning process allows for different views and provides a means by which differences of opinion can be resolved (through the planning process). Notwithstanding this stated intent to object to the development, GEE proposed that both parties could still collaborate on the development of a Ness Catchment Regeneration Programme, to be implemented in collaboration with NDSFB and to be funded by GEE in the event that GEE achieved consent. GEE proposed this initiative could be established in principle without any suggestion that NDSFB remove their objection. NDSFB considered this proposal, but in July 2025, NDSFB informed GEE that they did not wish to continue to collaborate on this initiative as they felt it was at odds with the public campaign they were engaged in against any new pumped storage on Loch Ness. GEE of course respects this position and offers no criticism of this decision by NDSFB.

Irrespective of this outcome, GEE remains committed to the principle of funding a Ness Catchment Regeneration Programme. For the avoidance of doubt, this programme is distinct from any mitigations proposed or required as part of consent of the development, if ultimately achieved.

Further to these discussions, through engagement with local communities, a proposal was made that GEE fund a long-term biodiversity monitoring programme with results published annually. GEE has agreed that this would be a positive addition to the concept of a catchment regeneration programme and has provided written commitment to local communities to do so.

As such, if GEE achieves consent, it commits to deliver a Ness Catchment Regeneration and Biodiversity Monitoring Programme, estimated at £15 million over 10 years. GEE hopes that in the event consent is granted, NDSFB would be willing to collaborate again with GEE in the delivery of this programme.

GEE will be looking to develop this proposed Programme in due course in consultation with key stakeholders, including local communities. We have no doubt this would benefit from input from NDSFB, and we hope that in due course this will be possible. We hope that the concept of such an approach is of interest to NDSFB, and we look forward to working further with NDSFB and other relevant stakeholders with the aspiration to achieve improvements in salmon numbers and overall biodiversity in the Ness Catchment should the GEE project achieve consent.

Yours sincerely,

R. Martin Lacey

Project Director

Glen Earrach Energy

Applicant's Response to Ness District Salmon Fishery Board Representation of August 2025

Glen Earrach Energy Pumped Storage Hydro (PSH) Project ECU Ref: ECU00005121

This response takes the form of two parts, following the structure of the NDSFB Representation, Part 1 (Policy) followed by Part 2 (Technical)

Response to Part 1 (Policy)

1. Introduction

This document sets out the Applicant's response to the holding objection submitted by the Ness District Salmon Fishery Board (NDSFB) on 4 August 2025 in respect of the Glen Earrach Pumped Storage Hydro Scheme ("the Proposed Development"). The NDSFB representation addresses the EIAR (March/April 2025) and the June 2025 Additional Information.

The Applicant's position is set out below by topic. The NDSFB representation is not repeated here.

Where relevant, this response should be read in conjunction with:

- The EIAR and its supporting appendices (March 2025); and
- The Additional Information submitted in June 2025, September 2025, and the June 2026 Additional Information submissions.

This response is provided to ensure that all consultee comments have been fully considered and addressed as part of the application process.

2. Scope and Remit of the NDSFB Representation

The Applicant notes that the NDSFB representation addresses a wide range of matters extending beyond fisheries and aquatic ecology, including landscape and visual effects, cultural heritage, housing, traffic and transport, geology, energy policy, and detailed commentary on NPF4 policy compliance. Whilst the Applicant recognises that the NDSFB is entitled to raise matters it considers relevant to determination of the application, a number of the topics addressed fall outside the Board's primary statutory and technical remit, and in many instances no clear link is drawn between those topics and the particular fishery interests of the NDSFB.

The Applicant also notes that the NDSFB representation refers to views attributed to Save Loch Ness. NDSFB and Save Loch Ness are distinct organisations, and it is important that the basis of the NDSFB representation is understood by reference to the Board's own evidence, assessment and remit.

The Applicant has noted the technical points raised within the representation. These are addressed in detail in the relevant sections of this response.

Notwithstanding these observations, the Applicant provides a full response to each of the matters raised.

3. Dochfour Weir Upgrade

The NDSFB raises concerns that the Dochfour Weir Upgrade is not part of the current Section 36 application and questions whether it is lawful to determine the application in light of this.

The Dochfour Weir Upgrade is identified in the EIAR as mitigation to manage Loch Ness water levels and River Ness flows associated with operation. It is being progressed separately by Scottish Canals, as asset owner, and will be subject to its own planning application and EIA. The Dochfour Weir Upgrade does not form part of the description of development of this application and the Applicant is not seeking to obtain consent for it through the Section 36 application.

Scottish Ministers may attach to a Section 36 of the Electricity Act 1989 consent such conditions as appear to them to be appropriate, and may grant deemed planning permission in tandem under section 57(2) of the Town and Country Planning (Scotland) Act 1997. It is lawful and standard practice for mitigation to be delivered under a separate consent and secured by negative suspensive conditions on that basis. The Proposed Development has been assessed on the basis that the Dochfour Weir Upgrade will be in place prior to the Operational Phase. The Applicant has committed that the Operational Phase of the Proposed Development will not commence until the Dochfour Weir Upgrade is consented, constructed and operational, with appropriate governance and performance controls likely secured through conditions.

This approach ensures that the Dochfour Weir Upgrade mitigation is both delivered and independently scrutinised, while allowing the current application to be determined on its merits.

4. Grid Connection

The NDSFB asserts that the grid connection has not been considered and that its absence from the application renders the EIAR non-compliant. The Applicant does not accept this position. The grid connection has in fact been considered, and the supporting environmental information has been provided to the decision-maker.

The on-site GIS switchyard is included within the Proposed Development and has been fully assessed in the EIAR. The EIAR included a cumulative landscape and visual assessment of the grid connection on a worst-case basis, assuming a route between the on-site GIS switchyard and the Bingally Substation, reflecting the information reasonably available at the time of submission. In addition, and to assist the decision-maker, the Applicant has prepared an indicative Connection Route based on the information available at this time and has commissioned a pack of discipline-specific Technical Notes assessing its potential effects in the cumulative assessment context of the EIAR for the Proposed Development. That pack is provided as Supplementary Information accompanying this submission and concludes that no likely significant effects on the environment have been identified arising from the Grid Connection Project.

The offsite transmission line connecting the switchyard to the Bingally Substation will be designed, consented and delivered by SSEN Transmission as the licensed transmission owner, under a separate statutory regime and on a separate timetable. The Applicant has no control over its routing or delivery, and as a generation licence holder could not lawfully own or operate it. The Applicant has been advised by NESO its connection point is indicative only under the TMO4+ grid reform process.

For the reasons set out in the Applicant's representation on the implications of *Raeshaw Farms Ltd v Scottish Ministers* [2026] CSIH 10, submitted concurrently with this response, it is considered that the Proposed Development and the future grid connection are not, on a proper analysis of the facts and circumstances, a single project for EIA purposes.

5. Climate Change, Energy Policy and the Need Case

5.1 Climate Change

The NDSFB suggests that renewable energy development in Scotland will have no meaningful effect on global climate outcomes. The Applicant does not agree with this characterisation, which is not aligned with the established policy framework at international, national and local levels.

Addressing climate change is a collective global responsibility, to which Scotland contributes through its statutory emissions reduction targets and energy policy. The Greenhouse Gas Assessment (EIAR Chapter 17: Climate) concludes that the Proposed Development supports decarbonisation of the electricity system, is consistent with Scotland's Net Zero targets, and delivers substantial lifetime carbon savings. The scheme also enables greater utilisation of renewable generation by reducing curtailment and supporting system stability.

NPF4 Policy 1 requires significant weight to be given to the global climate and nature crises, and Policy 2 supports development that reduces emissions and improves resilience to climate change. The Proposed Development is consistent with these policies.

5.2 The Need Case

The NDSFB asserts that there is no demonstrable need for the Proposed Development. The assessment of system need and the balance of supply and demand is a matter for Ministers, NESO and Ofgem, and is addressed in EIAR Chapters 1 and 5.

The NESO Clean Power 2030 Plan (April 2025 update) identifies a clear requirement for additional long-duration energy storage. The Proposed Development, with approximately 34 GWh of storage capacity, contributes directly to this requirement and supports the transition to a more flexible and resilient electricity system.

National policy frameworks, including NPF4 and UK and Scottish Government energy strategies, provide clear support for pumped storage hydro as part of the transition to a low-carbon energy system. The Proposed Development is also identified as a National Development in NPF4. NPF4 states that these are significant developments of national importance which will help to deliver the spatial strategy, and that their designation means the principle of the development does not need to be agreed again in later consenting processes. In that respect, the strategic need for development of this nature is already recognised in national policy.

5.3 Strategic Spatial Planning

The NDSFB suggests that determination should be deferred pending publication of the Strategic Spatial Energy Plan (SSEP) and Regional Energy Strategic Plans (RESPs).

The Applicant is aware of these emerging frameworks and their intended role in guiding future infrastructure planning. However, there is no policy basis requiring current applications to be deferred pending their publication, nor is there any confirmation that these documents will be a planning material consideration. The Proposed Development falls to be assessed on its own merits against the existing policy framework.

Emerging work on strategic planning has identified a continuing role for storage and hydro within the future energy system. The Proposed Development is consistent with this direction of travel.

5.4 Transmission Charging

The NDSFB refers to transmission charging as a signal to locate generation closer to demand. Transmission charging and wider market design are GB regulatory matters. They do not affect the environmental assessment of the Proposed Development and are not determinative in the planning assessment.

6. Design and Construction

The NDSFB suggests that the Proposed Development represents a preliminary design and that construction effects have been underassessed.

The Applicant considers that the design has reached a level of maturity sufficient to support a robust and representative EIAR, while allowing for refinement through detailed design and ground investigation, as is standard practice for projects of this scale. The inclusion of alternative power cavern locations reflects this approach and has been appropriately assessed within the EIAR.

Construction effects are fully assessed, with defined temporary and permanent footprints and construction phasing. These effects are subject to established and enforceable controls secured through conditions and regulatory approvals, including an approved Construction Environmental Management Plan, relevant CAR authorisations, and independent Environmental Clerk of Works oversight.

The Applicant notes the concerns expressed regarding regulatory oversight. The proposed mitigation and monitoring framework reflects standard practice for nationally significant infrastructure and is designed to ensure that environmental protection measures are implemented and enforced.

The Applicant remains open to constructive engagement with the NDSFB, including participation in appropriate oversight and liaison arrangements.

7. Landscape and Visual Impact

The NDSFB raises points regarding the adequacy of the landscape and visual impact assessment (LVIA) and the quality of the submitted visualisations.

The LVIA has been prepared in accordance with established professional guidance and in consultation with NatureScot and The Highland Council as the relevant statutory consultees. Viewpoints and methodology were agreed through this process. Updated visualisations were provided as Additional

Information in June 2025 to address technical comments and have been advertised in accordance with the relevant regulations.

The Proposed Development has been designed to minimise landscape and visual effects, including through:

- An underground powerhouse, substantially reducing above-ground infrastructure;
- Low-profile Lower Control Works positioned below the A82 and designed to integrate with the shoreline; and
- Use of marine delivery to reduce construction activity and effects at the lochside.

The Applicant considers that the information presented in EIAR Chapter 6, together with the Additional Information, provides a robust and proportionate assessment of landscape and visual effects. The adequacy of the LVIA is a matter for NatureScot and The Highland Council as the competent authorities.

8. Geology, Groundwater and Soils

8.1 Geology and Seismic Risk

The NDSFB raises concerns regarding the qualifications of the EIAR authors and the adequacy of the seismic risk assessment.

The Applicant confirms that the relevant EIAR chapter was prepared by suitably qualified civil engineers and an environmental scientist with relevant experience. The ground investigation undertaken to date is proportionate to the requirements of the consent stage and sufficient to support the conclusions set out in EIAR Chapter 15 (Geology and Ground Conditions).

As is standard practice for major infrastructure projects, ground investigation is undertaken in stages, with further targeted investigation to inform detailed design and construction. The prior notification for additional investigation reflects this next phase and does not indicate unusual geological complexity. Comparisons with other schemes are not directly applicable.

The NDSFB refers to external expert advice; however, no supporting information has been provided to substantiate the specific points raised. Construction-stage ground risks will be managed through established geotechnical design, monitoring and regulatory oversight.

8.2 Groundwater and Private Water Supplies

The NDSFB raises concerns regarding potential effects on groundwater and private water supplies.

A Private Water Supply Risk Assessment (EIAR Appendix 10.2) has identified relevant receptors and assessed potential risks. The assessment concludes that, with standard mitigation measures in place, no significant effects on private water supplies are anticipated, including at the locations identified in the representation.

As is standard practice, a consent condition will require further pre-construction investigation, including baseline and monitoring, to confirm and safeguard the ongoing protection of supplies.

8.3 Peat and Soils

The NDSFB raises concerns regarding peat disturbance and compliance with relevant guidance.

Peat and soils have been assessed in accordance with regulatory requirements, with SEPA responsible for peat as a material resource and NatureScot for peatland habitat. The design applies the mitigation hierarchy, including avoidance of deep and priority peat where practicable, minimisation of disturbance, and appropriate management of excavation and reinstatement.

A detailed peat baseline and impact assessment inform the Outline Peat Management Plan (EIAR Appendix 15.2). Following submission of Additional Information in June 2025, SEPA has withdrawn its holding objection on the basis of the proposed approach.

The Outline Peatland Restoration Plan (EIAR Appendix 7.6) sets out restoration proposals at approximately 1:10 (+10%), delivering a net improvement in peatland function. These measures will be secured through conditions, including long-term management and monitoring.

9. Traffic and Transportation

9.1 Scheme-Specific Effects

The NDSFB raises concerns regarding the assessed traffic effects.

For clarity, the EIAR reports two-way HGV movements, with each vehicle visit counted as two movements. The Applicant recognises concerns regarding construction traffic and has embedded design measures to minimise demand on the public road network, including:

- Internal circulation of bulk materials within the site, avoiding use of public roads for internal movements;
- On-site material sourcing, including borrow pit material and tunnel arisings, with limited imports primarily of cement, rebar and additives, along with sand which may be reduced with on-site crushing;
- Marine delivery for the Lower Control Works via the Caledonian Canal and Loch Ness; and
- On-site workforce accommodation with managed minibus transport.

The A831 Drumnadrochit–Balnain route has been agreed for HGV traffic. Transport Scotland has raised no environmental objection in relation to trunk road effects.

Planning conditions will secure a Construction Traffic Management Plan (CTMP), including delivery scheduling to avoid peak periods, no conveying, provision of school-bus lay-bys on the A831 prior to main works, wheel-wash and street-sweeping measures, bound surfacing at site accesses, traffic monitoring with public reporting, and a Section 96 wear and tear agreement with The Highland Council.

9.2 Cumulative Effects

Cumulative traffic effects have been assessed in accordance with the EIA Regulations and are reported in EIAR Chapter 13. An updated cumulative assessment has been provided within the Additional Information, incorporating relevant committed developments including Bingally Substation, Cnoc

Farasd Wind Farm, and Chrathaich Wind Farm. This confirms that no new or materially different significant cumulative effects arise.

The Applicant has also considered the indicative grid connection in line with IEMA Guidelines (2023). Based on the available routing information and use of established access points, grid connection traffic does not extend the study area, introduce new receptors, or increase peak traffic beyond assessed scenarios.

It is also noted that an updated cumulative traffic and transport assessment (March 2026, AECOM), reflecting revised construction programming and updated cumulative developments, is being submitted alongside the June 2026 submission.

The Applicant acknowledges the importance of coordinating construction activity where multiple developments may overlap. The Applicant will continue to work with The Highland Council and Transport Scotland to agree appropriate controls, with any additional requirements secured through the CTMP.

10. Hydrology and Water Management

The NDSFB asserts that there is insufficient water in Loch Ness to support existing, consented and proposed pumped storage hydro schemes, that cumulative drawdown could be as high as 1.25 m making Loch Ness “tidal”, and that flood risk in Inverness has not been assessed. These assertions contain a number of technical inaccuracies.

Glen Earrach PSH does not consume water. It temporarily borrows water during pumping and returns the same volume during generation. The scheme operates within defined hands-off levels for both pumping and generation, ensuring protection of the loch’s natural water balance.

The modelling demonstrates that approximately 1 GWh of storage corresponds to around 1.5 cm of loch level change. A full-cycle charge of approximately 34 GWh would equate to around 0.5 m of level change. However, full cycles are not expected to represent the normal operating mode. Operational rates are also constrained by design limits, with generation limited to less than 3 cm per hour and pumping to approximately 2.6 cm per hour.

The cumulative drawdown figure of 1.25 m reflects a theoretical and highly conservative in-phase stacking scenario across multiple schemes. This would require all proposed developments to be consented, constructed, and operating concurrently in an identical mode from full storage to empty storage or vice versa and with no reversal, even with each scheme having different storage durations. The Additional Information submitted demonstrates a representative operating profile based on realistic assumptions taking account of how each of the different scheme storages would respond to market signals.

The cumulative assessment is based on realistic coincident operation.

Flood risk has been assessed within the EIAR. With the proposed weir upgrade, defined operational level bands, and CAR-regulated discharge controls, the Proposed Development does not increase flood risk in Inverness. Modelling indicates that, particularly in summer conditions, the variable weir would

reduce the occurrence of low water levels experienced in dry years, with associated benefits for Caledonian Canal navigation.

Operation of the Proposed Development cannot commence until the weir works are consented and constructed, the relevant water-management arrangements have been approved, and the relevant SEPA CAR authorisations are in place.

11. Ecology and Biodiversity

11.1 Ecological Surveys

The NDSFB raises concerns regarding bat surveys, reptile studies, red squirrel surveys, water vole investigations, and the survey methods applied to target species. These matters are addressed within EIAR Chapter 7 (Terrestrial Ecology), Chapter 8 (Ornithology), and Chapter 9 (Aquatic Ecology).

Statutory consultees, including NatureScot, will assess the adequacy of the survey scope, methods, and reporting through the formal consultation process.

In relation to peat, baseline characterisation and effects have been assessed in accordance with relevant guidance within EIAR Chapter 15 (Geology and Ground Conditions), including both peatland habitat and peat volume considerations. It is not clear what additional “health effects” assessment is being referred to beyond established regulatory requirements.

11.2 Urquhart Bay Wood SAC

The NDSFB asserts that the effects of the proposed weir modification on Urquhart Bay Wood SAC have not been adequately assessed.

This matter has been addressed through Additional Information submitted in September 2025 and further Additional Information submitted in June 2026. These submissions confirm the original EIAR conclusion of no adverse effect on site integrity.

11.3 Ancient Woodland

Ancient woodland effects are assessed in EIAR Chapter 18 (Forestry), with compensatory measures set out in Appendix 6.4: Outline Landscape and Ecology Management Plan (oLEMP).

The Proposed Development includes over 660 hectares of compensatory native woodland creation, exceeding woodland losses and relevant policy expectations. Less than 1 hectare of native Ancient Woodland Inventory woodland is directly affected.

11.4 Fisheries and Aquatic Ecology

The NDSFB refers to the ongoing smolt tracking study. This study has been undertaken collaboratively with the NDSFB and statutory consultees to inform the Fishery Management Plan and operational protocols.

The EIAR, particularly Chapter 9 (Aquatic Ecology), sets out a comprehensive suite of mitigation and management measures, including:

- Upgrade of Dochfour Weir, including provision for improved fish passage;
- Intake and outfall design to avoid entrainment and adverse hydraulic effects;
- Defined operational level and flow bands, including seasonal constraints;
- Real-time hydrometric monitoring and adaptive management; and
- A Fisheries Management Plan, with independent Environmental Clerk of Works oversight and defined control measures.

11.5 Biodiversity Net Gain

The Proposed Development delivers approximately 22% Biodiversity Net Gain, including over 660 hectares of native woodland creation as set out in the oLEMP, together with peatland restoration at approximately 1:10 (+10%) ratios. This represents a landscape-scale enhancement.

Additional enhancement is provided through improved aquatic connectivity associated with the proposed Dochfour Weir Upgrade.

The suggestion that the EIAR does not provide metric-based proposals appears to overlook the oLEMP (EIAR Appendix 6.4), which sets out the framework for habitat creation, management, and monitoring.

The Applicant is content for appropriate mechanisms to be secured through conditions or legal agreement, where required by The Highland Council, to ensure delivery of long-term biodiversity benefits.

The Proposed Development is being progressed by the landowner, who has an established long-term interest in the estate. Ongoing engagement with organisations such as the RSPB, including work on Slavonian grebe monitoring elsewhere on the estate, reflects this commitment.

12. NDSFB Commentary on Key Consultee Responses

The NDSFB representation includes commentary on responses submitted by other consultees, including The Highland Council (THC) Development Plans Team, Flood Risk Management Team and Access Officer, as well as SEPA.

The Applicant has addressed, and will continue to address, these consultee responses through the formal regulatory process. These matters fall within the remit of the relevant competent authorities and will be considered through the statutory consultation and determination process in the normal way.

In particular:

- Development plan conformity is a matter for determination by The Highland Council as planning authority;
- Flood risk assessment and compliance with Policy 22 are matters for SEPA and THC's Flood Risk Management Team;
- Access matters are appropriately secured through planning conditions and subsequent approval of detailed management plans; and
- The need case for pumped storage hydro is established in national policy and supported by both UK and Scottish Government positions.

In relation to specific consultee responses:

SEPA issued an initial holding objection, which has been addressed through the submission of Additional Information in line with the standard regulatory process. Engagement with SEPA continues as part of that process, including matters that will be regulated through the Environmental Authorisations (Scotland) Regulations 2018 (EASR), which have replaced the former Controlled Activities Regulations (CAR). The THC Flood Risk Management Team response raises matters relating to the Dochfour Weir and operational controls. These are addressed through the proposed consenting framework, which includes suspensive conditions preventing operation until: (i) planning consent and CAR authorisation for the Dochfour Weir Upgrade have been secured prior to commencement of construction; (ii) the Dochfour Weir Upgrade is completed and commissioned prior to the operational phase; and (iii) a framework agreement for a Water Management Board to coordinate the operation of all PSH schemes on Loch Ness and manage flood risk is in place prior to first commercial operation. The stop-generating level will be established through the CAR licensing process for the Proposed Development, informed by an updated Flood Risk Assessment to be submitted as part of the Dochfour Weir Upgrade CAR application. This ensures that the detailed design and operation of the weir are subject to full technical scrutiny and enforceable control.

The THC Access Officer response identifies matters to be addressed through detailed design and management. The Applicant will continue to engage with The Highland Council to agree appropriate measures, which can be secured through an Access Management Plan and related planning conditions, in line with standard practice.

The Applicant has also engaged directly with other consultees referenced by the NDSFB. A meeting has been held with Jacobite Cruises, and a formal response has been provided addressing the issues raised. A formal response has also been provided to Stratherrick and Foyers Community Council, and engagement with community stakeholders is ongoing.

Further consultee responses have been considered and addressed through the ongoing determination process as they have been received.

13. Related Cases

The NDSFB draws on the Earba Pumped Storage Hydro and Loch Kemp Storage Pumped Storage Hydro schemes in support of its position. The relevance of these schemes is a matter for the competent authorities. The Proposed Development must be assessed on its own merits under the applicable planning and EIA framework, taking account of the relevant energy, climate change and planning policy context and other relevant considerations.

Earba

The Applicant notes that the NDSFB's characterisation of the Earba Pumped Storage Hydro determination includes criticisms of the decision-making process and planning balance applied by The Highland Council and Scottish Ministers. Earba Pumped Storage Hydro is a separate scheme, promoted by a different developer, located in a different setting.

Its inclusion in the NDSFB representation is general in nature, with no clear linkage to fishery interests and no specific relevance to the assessment of the Proposed Development.

Loch Kemp Storage

The Applicant acknowledges that Loch Kemp PSH, as a nearby scheme also proposing to interact with Loch Ness, is relevant in the context of cumulative assessment. This has been addressed within the EIAR and subsequent Additional Information.

However, the factors which led The Highland Council to object to the Loch Kemp proposal do not apply to the Proposed Development. Key distinctions include:

- **Natural heritage and design:** The Proposed Development utilises an underground powerhouse, with only low-profile Lower Control Works below A82 level. Interaction with protected habitats is limited, and hydrological governance is secured through a combination of suspensive conditions, a Water Management Board and SEPA CAR controls.
- **Landscape and recreation:** There is no visible shoreline powerhouse. The Lower Control Works are designed to be recessive, and marine delivery reduces interaction with the A82 corridor and recreational receptors.
- **Ancient woodland and designated sites:** Effects on Ancient Woodland Inventory are minimal and have been avoided and reduced through design. Substantial compensatory native woodland creation (over 660 hectares) is proposed. There is no direct development within SAC or SSSI footprints.
- **Socio-economics:** The Proposed Development delivers substantial employment and supply chain benefits, together with a structured community benefit package including a £20 million annual Community Wealth Fund.
- **Transport:** The scheme utilises an A-class road network (A831/A82) and incorporates traffic reduction measures by design, including on-site accommodation, on-site material sourcing, internal circulation, and marine delivery for the Lower Control Works.

Accordingly, while Loch Kemp Storage is relevant for cumulative assessment, it does not provide a direct comparator for the Proposed Development.

Planning Conditions

The NDSFB suggests that the use of a large number of planning conditions indicates that a development should not be consented. This does not reflect standard practice. For projects of this nature, suspensive, pre-commencement and operational conditions are routinely used to secure detailed design, mitigation, monitoring and adaptive management within an enforceable framework. The Applicant notes that the Scottish Ministers attaches a set of conditions appropriate to the relevant development when determining applications.

14. Development Plan Assessment

The Applicant notes that in determining applications under Section 36 of the Electricity Act 1989, Scottish Ministers have regard to a range of relevant considerations. These include international, UK and Scottish climate change and energy policies, as well as national and local planning policy. The

statutory Development Plan is a relevant consideration but does not have the primacy it would have under section 25 of the Town and Country Planning (Scotland) Act 1997. The Planning Statement submitted alongside the Application sets out in detail the legislative and policy context in relation to the Proposed Development, including a full assessment against the relevant planning policies of NPF4, the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. The response below addresses the specific points raised by NDSFB and should be read in that wider context.

The NDSFB devotes substantial attention to the Proposed Development's compliance with National Planning Framework 4 (NPF4) and concludes that the scheme draws little or no support from the Development Plan. The Applicant does not agree. Whilst the detailed policy commentary is noted, the overall conclusion does not reflect the content of NPF4, the status of the Proposed Development within that framework, the wider range of considerations relevant to a Section 36 determination or the evidence set out in the EIAR and subsequent submissions.

14.1 National Development Status

The Proposed Development falls within National Development 2 (Pumped Hydro Storage), not National Development 3 as stated in the NDSFB representation. This is an important distinction. National Development status does not remove the need for project-level assessment, but it does provide clear policy support for the development type and confirms its national significance.

In addition, the North regional spatial strategy identifies pumped hydro storage and strategic renewable electricity infrastructure as priority components of the future energy system. The Proposed Development therefore benefits from explicit strategic support within NPF4, alongside the requirement for careful assessment of its site-specific effects.

14.2 Policy 1 – Tackling the Climate and Nature Crises

The NDSFB contends that the Proposed Development fails Policy 1 because, in its view, the scheme produces no meaningful climate benefit and gives rise to adverse effects on nature. The Applicant does not agree with that interpretation.

Policy 1 requires significant weight to be given to both the climate and nature crises. The EIAR demonstrates that the Proposed Development will make a substantial contribution to decarbonisation through long-duration energy storage, reduced renewable curtailment and support for grid stability. At the same time, the scheme includes significant biodiversity enhancement, including approximately 22% Biodiversity Net Gain, substantial native woodland creation and peatland restoration.

The proper application of Policy 1 is therefore one of balanced consideration, informed by the evidence before the decision-maker. On that basis, the Proposed Development is consistent with the policy's objectives.

14.3 Policy 3 – Biodiversity

The NDSFB concludes that the Proposed Development fails Policy 3. That conclusion is not supported by the evidence submitted.

The Proposed Development includes a quantified biodiversity enhancement package, including approximately 22% Biodiversity Net Gain, over 660 hectares of native woodland creation, and peatland restoration at approximately 1:10 (+10%). These measures are set out in the oLEMP and related submissions and are capable of being secured through conditions and associated management plans.

The design has also followed the mitigation hierarchy, with avoidance and reduction embedded as primary design principles, including the use of an underground powerhouse, avoidance of designated sites, and minimisation of ancient woodland loss. Taken together, these measures provide a clear basis for concluding that the scheme is capable of meeting the Policy 3 requirement for biodiversity to be left in a demonstrably better state than without the development.

14.4 Policy 5 – Soils

The NDSFB's conclusion that the Proposed Development fails Policy 5 does not reflect the current evidential and regulatory position.

Peat disturbance has been avoided and minimised through design, supported by detailed peat baseline information, an Outline Peat Management Plan, and an Outline Peatland Restoration Plan. Following submission of Additional Information in June 2025, SEPA withdrew its holding objection on peat matters. The restoration proposals, reviewed in the context of NatureScot guidance, provide for a material improvement in peatland function.

On that basis, the Applicant considers that the Proposed Development is consistent with Policy 5.

14.5 Policy 11 – Energy

Policy 11 is a key policy for the assessment of the Proposed Development. It expressly supports renewable, low-carbon and zero emissions technologies, including energy storage such as pumped storage hydro, and requires significant weight to be placed on the contribution a proposal makes to renewable energy generation and greenhouse gas reduction targets.

The Proposed Development is a major long-duration energy storage scheme, with approximately 34 GWh of storage capacity and a hydraulic head of approximately 480 m, making it one of the most water-efficient pumped storage hydro schemes in the UK. It therefore falls squarely within the form of infrastructure that Policy 11 is intended to support.

The various specific matters raised by the NDSFB under Policy 11(e), including fisheries, landscape and visual effects, cultural heritage, traffic, biodiversity and cumulative effects, have all been assessed within the EIAR and subsequent submissions by the relevant technical specialists. The question for determination is whether those effects have been properly assessed and whether appropriate mitigation and controls are secured. The Applicant's position is that they have been.

14.6 Policies 14, 18 and 22

The NDSFB also refers to Policies 14, 18 and 22.

In relation to Policy 14, the Proposed Development has been shaped by design-led mitigation, most notably through the underground powerhouse, the reduction of visible shoreline infrastructure, and

extensive landscape and ecological restoration measures. These are relevant design responses to site context and environmental sensitivity.

In relation to Policy 18, the scheme provides nationally significant electricity storage infrastructure, with associated effects addressed through mitigation, traffic management, and infrastructure controls.

In relation to Policy 22, flood risk and water management have been assessed through the EIAR and associated modelling. The proposed Dochfour Weir Upgrade, together with operational controls, the environmental authorisations regulations and the proposed Water Management Board, provides the framework through which operational water level management would be secured. These are matters that fall for assessment by the relevant technical authorities in the normal way.

14.7 Summary

The Applicant recognises the degree of attention given by the NDSFB to Development Plan policy. However, that exercise does not alter the underlying position that there are a range of relevant considerations against which Section 36 applications are considered; the Proposed Development is expressly supported in principle by NPF4 as National Development; and it is capable of complying with the relevant policies when considered against the EIAR, the Additional Information, and the proposed mitigation and control framework.

In summary, the Proposed Development draws substantial support from NPF4, including in relation to climate, energy storage, biodiversity enhancement, peatland management, infrastructure delivery and design. The Applicant therefore does not agree with the NDSFB's conclusion that the scheme is unsupported by, or contrary to, the Development Plan.

15. Electricity Act Assessment

The NDSFB concludes that the requirements of the Electricity Act 1989 have not been met on the basis that, in its view, sufficient mitigation has not been secured.

The Applicant does not agree with that conclusion. Schedule 9 of the Electricity Act 1989 imposes two distinct duties of relevance here. Under paragraph 3(1)(b), the developer is required to do what it reasonably can to mitigate the effects identified. Under paragraph 3(3), relevant persons are required to avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters. These are the statutory tests against which the Proposed Development falls to be assessed; neither imposes a requirement that all effects be eliminated. The statutory framework also expressly allows mitigation to be secured by conditions, and Scottish Ministers may attach such conditions to a Section 36 consent as appear to them to be appropriate.

The Proposed Development includes a comprehensive and clearly defined mitigation and management framework of the type envisaged by the Act. This is not limited to high-level commitments but is set out through a structured suite of plans and controls, including:

- Construction Environmental Management Plan (CEMP), incorporating pollution prevention, construction noise, waste management and environmental response measures, with independent Environmental Clerk of Works oversight including authority to require works to

cease pending corrective action, supported by contractual controls and regulatory enforcement where applicable;

- Fisheries Management Plan (FMP) and Water Management Plan (oWMP), supported by defined operational rules, monitoring and adaptive management;
- Loch Ness Water Quality and Stratification Monitoring, Modelling and Management Strategy and Water Quality and Flow Monitoring Plan;
- Species Protection Plan (SPP), Bird Protection Plan (BPP) and associated ecological management measures;
- Outline Peat Management Plan (oPMP) and Peatland Restoration Plan;
- Construction Traffic Management Plan (CTMP) and associated workforce traffic controls;
- Environmental authorisations regime administered by SEPA, which deals with controlled activities governing abstraction, discharge and water environment protection; and
- Suspensive conditions preventing operation until the Dochfour Weir Upgrade is consented, constructed and operational, alongside establishment of the Water Management Board.

In particular, the EIAR, and especially Chapter 9 (Aquatic Ecology), sets out a detailed and integrated package of mitigation measures relating to fisheries and the aquatic environment. These include intake and outfall design, operational level and flow controls, seasonal constraints, real-time monitoring and adaptive management, and coordinated loch-level governance.

The Electricity Act 1989 does not require all effects to be eliminated, and neither the Act nor The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 imposes a test of "no significant effects". The relevant question is whether the developer has done what it reasonably can to mitigate identified effects, and whether injury to fisheries has been avoided so far as possible. The mitigation framework described above gives effect to both duties and is capable of being secured through planning conditions, regulatory approvals and associated management plans.

Accordingly, the Proposed Development is capable of being consented in a manner consistent with the requirements of the Electricity Act 1989 and The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

16. Reliance on Conditions and the Regulatory Framework

A recurring theme in the NDSFB representation is that planning conditions and post-consent mechanisms are ineffective and should not be relied upon to address environmental effects. This position appears to reflect a broader critique of the established regulatory and consenting framework rather than an issue specific to the Proposed Development.

The use of conditions to secure mitigation, monitoring and environmental protection measures is standard practice and forms an integral part of the Section 36 and deemed planning permission process. Section 36 of the Electricity Act 1989 expressly empowers Scottish Ministers to attach to a Section 36 consent such conditions as appear to them to be appropriate, and section 57(2) of the Town and Country Planning (Scotland) Act 1997 enables deemed planning permission to be granted in the same decision. Conditions of this kind commonly require the approval of detailed plans prior to commencement and operation in accordance with those plans, providing an enforceable gateway between consent and delivery. This approach is well established for projects of this nature across consenting regimes

The mitigation set out in the EIAR is not indicative or aspirational. It is defined, structured and capable of being secured through enforceable planning conditions, regulatory approvals and associated management plans. These include, amongst others, the Construction Environmental Management Plan, Fisheries Management Plan, Water Management Plan, and associated monitoring and adaptive management frameworks.

Non-compliance with these measures is subject to formal regulatory control and enforcement, including the potential suspension of works where required. The framework therefore provides both certainty of delivery and mechanisms for ongoing oversight.

The Applicant has confidence in the ability of the relevant authorities, including The Highland Council, SEPA and other statutory consultees, to assess, secure and enforce appropriate controls. The adequacy of that framework is a matter for the determining authorities.

17. Conclusion

The Applicant has carefully considered the NDSFB's holding objection and has provided a detailed response to the matters raised.

The Applicant notes that the representation extends beyond the NDSFB's core fishery remit and includes a wide range of policy and technical commentary. While these points have been addressed, the Applicant's position is that a number of the conclusions reached are not supported by the evidence contained within the EIAR or by the applicable policy and regulatory framework.

The Proposed Development:

- is supported by NPF4 as National Development 2 (Pumped Hydro Storage) and is capable of complying with the relevant Development Plan policies;
- responds to a nationally recognised need for long-duration energy storage to support the transition to a low carbon energy system;
- has been designed to avoid and minimise environmental effects, including through the use of an underground powerhouse, avoidance of designated sites, and embedded mitigation;
- includes a comprehensive and enforceable mitigation and management framework secured through conditions, regulatory approvals and monitoring;
- delivers biodiversity enhancement, including Biodiversity Net Gain, native woodland creation and peatland restoration; and
- is capable of satisfying the requirements of the Electricity Act 1989.

The Applicant does not agree that the Proposed Development is materially flawed or that it gives rise to unacceptable environmental risk. The EIAR provides a robust evidence base, and the proposed mitigation and control framework provides a clear and enforceable basis for managing environmental effects.

The Applicant remains committed to constructive engagement with the NDSFB and other stakeholders. Participation in appropriate governance and liaison structures, including the Water Management Board and Community Liaison Group, is welcomed as part of the ongoing implementation of the agreed mitigation and monitoring framework.

Response to Part 2 – Technical Objection.

1. Introduction

This document sets out the Applicant's position in response to the technical objection submitted by the Ness District Salmon Fishery Board (NDSFB) in August 2025. The NDSFB representation addresses the EIAR (March/April 2025) and the June 2025 Additional Information.

The Applicant's position is set out below by topic. The NDSFB representation is not repeated here.

Where relevant, this response should be read in conjunction with:

- The EIAR and its supporting appendices (March 2025)
- The Additional Information submitted in June 2025, September 2025 and the June 2026 Additional Information and Supplementary Information submissions.

This response is provided to ensure that all consultee comments have been fully considered and addressed as part of the application process.

2. Preliminary Matters

2.1 NINA Report

The NINA report referenced by NDSFB provides a general review of potential environmental issues associated with pumped storage hydro proposals in Loch Ness but does not constitute a project-specific assessment of the Proposed Development. The report reviews environmental information prepared for other proposals, notably Red John (now known as Loch na Cathrach) and Loch Kemp Storage, and does not assess the design, mitigation measures or operational strategy of the Proposed Development. Conclusions drawn from different projects cannot therefore be directly applied without further project-specific analysis.

The identification of knowledge gaps within the NINA report does not constitute evidence of harm. The presence of uncertainty alone does not demonstrate significant impact. Policy advocacy, including NDSFB's subsequent call for a national moratorium on PSH schemes in lochs supporting wild Atlantic salmon, represents a broader policy position rather than a project-specific assessment. Planning decisions must be based on the environmental effects of the individual application under consideration. The EIAR includes cumulative assessment based on the relevant schemes within the planning and consenting system, including the existing Foyers Pumped Storage Hydro scheme, the consented Loch na Cathrach Pumped Storage Hydro scheme and the proposed Loch Kemp Storage scheme. Cumulative effects should therefore be considered by reference to those defined scenarios rather than hypothetical future development beyond the schemes assessed.

It is also relevant that pumped storage hydro has operated within the Loch Ness system since the commissioning of the Foyers scheme in the 1970s. While this precedent does not remove the need for careful assessment of new proposals, it demonstrates that the presence of PSH infrastructure in the Loch Ness system is not inherently incompatible with migratory salmon populations.

A number of the pragmatic recommendations identified within the NINA report have merit, including improved empirical data collection, smolt tracking studies, thermal monitoring and adaptive management approaches. The Proposed Development has committed to implementing these types of measures, including the 2025 smolt tracking study to capture the baseline and the deployment of monitoring infrastructure in Loch Ness.

The assessment of the Proposed Development must therefore be based on the detailed environmental information submitted with the application, including the EIAR, subsequent Additional Information, and the specific mitigation and monitoring measures proposed for this scheme.

2.2 MTS-CFD Hydrodynamic Modelling Study

The MTS-CFD modelling study commissioned by NDSFB should be interpreted with caution due to a number of methodological limitations. These materially reduce the extent to which the results can be relied upon for decision-making in the context of the Proposed Development.

The modelling assumes that all four Loch Ness schemes (including the Proposed Development) are built and then pump and generate simultaneously at maximum capacity. In practice this is unlikely due to differing ownership, grid dispatch requirements, capacity/duration, maintenance schedules and market-driven operation. The model treats schemes as operating either at full pumping or full generation for extended periods, whereas real pumped storage schemes typically operate flexibly with partial load, ramping and shorter dispatch cycles. The scenarios include periods of approximately 19 hours of continuous pumping or generation, which is not representative of typical operational behaviour and is not presented as a stress-test case.

The model simulations cover a 48-hour period under a single meteorological scenario, which does not allow assessment of seasonal variability, inter-annual conditions or event-driven scenarios such as stratification turnover or storm conditions. The assumptions adopted are highly simplified, including a constant discharge temperature of 10°C, constant south-west wind speed of 20 km/h and constant air temperature of 15°C, with no diurnal cycle, solar radiation variation or alternative wind regimes. These simplifications limit the ability of the model to represent realistic loch-scale thermal and circulation processes.

The colour mapping used represents temperature differences of approximately one degree Celsius. While the visual contrasts appear large, the underlying temperature differences are small and should be interpreted accordingly.

The report does not present evidence of model calibration or validation against observed field data, nor comparison with existing hydrometric or temperature monitoring records from Loch Ness. Key elements of model configuration, assumptions and boundary conditions are not clearly documented, including the treatment of inflows, outflows and interactions with the River Ness system. As a result, the modelling scenarios cannot readily be reproduced or independently evaluated.

The cumulative scenarios presented combine multiple schemes without isolating the effects of individual developments, and the outputs are not linked to ecological thresholds or biological response criteria relevant to migratory salmon. This limits their relevance to the assessment of the Proposed Development.

Taken together, the MTS-CFD modelling should be considered preliminary and exploratory in nature. It does not provide sufficiently robust or validated evidence to support quantitative conclusions regarding the environmental effects of the Proposed Development and should therefore be afforded limited evidential weight.

2.3 Parliamentary Petitions Committee

NDSFB refers to the Parliamentary petition (PE2109) in support of its position. That petition has now been closed by the Scottish Parliament's Citizen Participation and Public Petitions Committee following consideration of evidence from developers, the Scottish Government and other relevant bodies, and has not been taken forward.

In that context, NDSFB's acknowledgement that the Proposed Development was the only developer able to identify specific research activity, namely the 2025 Loch Ness smolt tracking study, demonstrates that The Applicant has taken a proactive approach to addressing the knowledge gaps referenced in their submission. The Proposed Development has also commissioned a PhD research programme examining the hydro-environmental characteristics of Loch Ness and has deployed monitoring buoys within the loch.

The Committee's engagement with developers and other organisations reflects an evidence-led approach to these matters, consistent with the assessment of individual projects on their specific design, mitigation measures and environmental context.

NDSFB's assertion that other jurisdictions have effectively limited pumped storage development to closed-loop systems due to environmental concerns is not supported by the cited studies. The Stantec (2023) and HydroWIREs (2022) studies are resource assessment exercises rather than statements of regulatory policy. Jurisdictions continue to consider and permit open-loop or hybrid pumped storage developments where environmental conditions and regulatory requirements can be satisfied, with approximately 21.7 GW of open-loop pumped storage identified within the United States development pipeline from a 2023 report¹.

2.4 Regulatory Framework and EIA Process

The application material has been prepared and environmental effects of the scheme have been assessed in accordance with Scotland's established statutory framework under the Electricity Act 1989 and The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Within this framework, statutory consultees such as NatureScot and SEPA are responsible for reviewing environmental information and advising on potential impacts.

¹ U.S. Dep't of Energy, Office of Electricity, Technology Strategy Assessment: Findings from Storage Innovations 2030: Pumped Storage Hydropower (DOE/OE-0036, July 2023), https://www.energy.gov/sites/default/files/2023-09/7_Technology%20Strategy%20Assessment%20-%202023%20Pumped%20Storage_508.pdf.

The application will be determined in terms of the established statutory consenting framework and EIA processes, through which the submitted environmental information and mitigation measures are assessed by the relevant regulators.

2.5 Wild Atlantic Salmon Policy Context

The Applicant recognises the conservation concerns regarding Atlantic salmon and the relevance of recent policy initiatives, including the Scottish Wild Salmon Strategy and Implementation Plan (2023–2028) and the draft Biodiversity Strategy to 2045.

The IUCN assessment identifies multiple threat categories operating across the Atlantic salmon range, including marine survival, climate change, and natural system modifications. The environmental assessment for the Proposed Development has considered the scheme within this broader context, rather than relying on conservation status alone as evidence of project-level impact.

Potential effects on Atlantic salmon have been assessed in detail within the EIAR, including hydrological change, fish passage and operational effects, together with proposed mitigation and monitoring measures.

The determination of this application should therefore be based on the project-specific evidence presented in the EIAR and subsequent Additional Information, rather than on general policy context alone.

3. Impact on Wild Atlantic Salmon Smolt Migration

3.1 Attraction Towards Screened PSH Intakes

The pathways identified by NDSFB have been assessed for the Proposed Development in Chapter 9 (Aquatic Ecology) of the EIAR, including potential attraction of smolts to abstraction flows, changes in loch hydrodynamics and implications for fish passage at Dochfour Weir. The assessment considers both the Proposed Development and cumulative scenarios with other relevant schemes.

The comparison presented between pumping capacity and River Ness discharge does not in itself demonstrate that abstraction flows would function as a proxy migration signal for smolts. Migration through large lochs is influenced by multiple environmental cues including shoreline orientation, prevailing currents, tributary inflows and light conditions. The EIAR considers the spatial scale of abstraction influence, intake design and operational controls when assessing potential attraction effects.

The Proposed Development incorporates intake screening positioned offshore of the intake structures to prevent physical impingement of smolts. On the basis of currently available information, NatureScot has indicated that operational curtailment during the smolt migration period would provide a precautionary means of avoiding smolt impacts. As an alternative engineering approach, The Applicant is examining the feasibility of installing a physical barrier located beyond the velocity trigger zone and demonstrating that approach velocities outside that barrier remain below the behavioural threshold. NatureScot has advised that abstraction velocities outside any such screening structure should not exceed the behavioural trigger threshold for directional response in smolts (0.092 m/s; Kundegorski et

al., 2025). In either case (curtailment or velocity-defined screening) the appropriate mitigation can be secured by condition through the consenting process.

The potential implications for smolts originating from the River Moriston SAC are assessed specifically within the EIAR.

Available evidence indicates that the current baseline is already poor. Results from the Moray Firth Tracking Project indicate that more than 80% of smolts are lost before reaching the sea under existing conditions. This underlines that Atlantic salmon populations are subject to multiple existing pressures and reinforces the importance of careful assessment, mitigation and monitoring of any additional potential effects associated with the Proposed Development. Notwithstanding the scale of existing pressures, the Proposed Development presents an opportunity to improve smolt passage conditions. The proposed Dochfour Weir Upgrade, in combination with fish pass improvements, is assessed in the EIAR as improving fish passage.

On the basis of the evidence presented in the EIAR, and subject to the proposed mitigation, monitoring and any conditions attached to consent, the Proposed Development is assessed as delivering a Minor Beneficial significant effect on Atlantic salmon populations and on the qualifying interests of the River Moriston SAC, through improved fish passage at Dochfour Weir and associated mitigation measures. A corresponding Minor Beneficial significant effect is also identified for the qualifying interests of the Moray Firth SAC, through increased smolt survival and the resulting benefit to bottlenose dolphin and harbour seal prey availability.

3.2 Loch Ness Hydrology and Stratification

Potential effects on the hydrology and stratification of Loch Ness are assessed in detail within Chapter 10 (Water Environment) of the EIAR, supported by the literature review presented in Appendix 10.6.

Loch Ness is an exceptionally large and deep waterbody (maximum depth approximately 230 m; local depth adjacent to the Lower Control Works approximately 190 m; total volume approximately 7.5 km³) subject to strong wind-driven mixing and internal seiche activity. As a monomictic loch, it typically stratifies over the summer (from around late June/July until an overturn event in mid to late autumn) with a thermocline developing at approximately 30 m depth or deeper. During autumn, cooling and wind-induced turbulence cause overturn and full mixing of the water column, which persists until the following summer. The large volume and inertia of Loch Ness, combined with exposure to wind-induced mixing and strong internal seiche activity, mean the loch is naturally resilient to hydrodynamic disturbance compared with smaller or shallower systems.

The Proposed Development's intake and outlet structures are located at approximately 15 m depth, within the surface mixed layer (epilimnion) and well above the expected thermocline, which typically develops at approximately 30 m depth or deeper. The large outlet cross-section (approximately 3,300 m²) results in low discharge velocities, limiting the potential for mixing energy capable of disturbing deeper stratified layers. Thermal modelling presented in the EIAR indicates that temperature changes associated with turbine inefficiencies or hydraulic friction are extremely small (generally less than 0.2°C) and are not expected to alter the thermal regime of the loch.

The limitations of the MTS-CFD modelling study are set out at Section 2.2 above. Specific outputs highlighted by NDSFB, including the suggestion of vortex formation in Dores Bay, arise from non-

representative operational assumptions and modelled temperature variations of approximately 1°C. These results should not be interpreted as predictive of actual loch-scale hydrodynamic behaviour.

Baseline monitoring infrastructure has already been deployed within Loch Ness to collect continuous data on currents and temperature. The Applicant has additionally committed to funding a PhD programme specifically, which has now commenced to help evaluate the influence of pumped storage hydro on the hydro-environmental characteristics of Loch Ness. These initiatives demonstrate a proactive commitment to improving the evidence base. The established planning approach for major infrastructure is not to defer consent pending the completion of further academic study, but to secure appropriate monitoring, control and adaptive management through enforceable conditions. Consistent with that approach, the Proposed Development includes further hydrodynamic modelling and an adaptive management framework secured through planning conditions, including a Loch Ness Water Quality and Stratification Monitoring, Modelling and Management Strategy and phased commissioning.

As set out in Chapter 10 of the EIAR, Loch Ness is naturally resistant to stratification change and the detailed assessment undertaken demonstrates that the Proposed Development would not give rise to significant adverse effects on stratification or the thermal regime of the loch. The project includes further hydrodynamic modelling, monitoring and adaptive management as additional safeguards to verify performance during detailed design and operation, not because the assessment identifies unacceptable effects. Accordingly, the available technical evidence does not support NDSFB's suggestion that the Proposed Development would cause unacceptable disruption to Loch Ness hydrology or thermal structure. Those matters have been robustly assessed in the EIAR, and the residual effect remains Minor Adverse and Not Significant.

3.3 Shoreline Ecology

The assessment of effects on shoreline ecology is set out within Chapter 9 of the EIAR and the Aquatic Ecology – Loch Ness Macroinvertebrate Survey Update submitted as Additional Information.

Existing shoreline habitats in Loch Ness are limited and naturally dynamic. The littoral zone is narrow and largely vegetation-free due to steep, boulder-dominated shorelines, regular wave action, and existing water level variability arising from climatic conditions and upstream hydroelectric regulation, including the long-established Foyers pumped storage scheme. Productive macrophyte stands are limited and largely confined to sheltered locations such as Urquhart Bay. Baseline surveys confirm that macroinvertebrate assemblages are typical of large oligotrophic lochs and are not characteristic of highly productive marginal habitats.

Water level modelling presented in the EIAR and the operational limits imposed through the regulatory framework confirm that the Proposed Development will operate within the established loch level envelope, subject to hands-off levels. Maximum water level rates of change from the Proposed Development are approximately 3 cm per hour during generation and approximately 2.6 cm per hour during abstraction. These variations occur within a system that already experiences natural and operational water level variability and are small compared with drawdowns typically associated with reservoir environments.

NDSFB rely on Smith et al. (1987) to support the assertion that water level fluctuations would impoverish littoral communities. That study primarily examined waterbodies with substantially larger artificial drawdowns and different shoreline morphologies, particularly reservoir systems. The physical

characteristics of Loch Ness (steep shorelines, limited shallow littoral habitat and a large, wind-mixed basin) mean that direct transfer of those findings is not straightforward.

The Macroinvertebrate Survey Update, extending the coverage to twelve representative shoreline locations, identified assemblages typical of large standing water bodies. Pollution-sensitive taxa including stoneflies, mayflies and caddisflies were recorded throughout the survey area. The species identified are generally tolerant of natural water level variation and wave-affected substrates typical of Loch Ness shorelines.

The EIAR assesses the potential effect of operational water level fluctuations on littoral macroinvertebrates as Low magnitude, resulting in a Negligible significance effect.

3.4 Dochfour Weir Upgrade and Water Management

The Proposed Development incorporates a coordinated and regulated framework for water management in the Ness catchment. Operation of the scheme is dependent on the mitigation provided by implementation of improvements to Dochfour Weir Upgrade and the establishment of a Water Management Board comprising affected stakeholders including Scottish Canals, relevant developers, fisheries interests and statutory regulators.

The proposed upgrade works at Dochfour Weir utilise proven inflatable weir technology with modular redundancy and automated control. This system provides a modernised equivalent to the existing SSE sluice arrangements, which NDSFB acknowledge generally work well in mitigating Pumped Storage Hydro effects on downstream flows.

Potential hydropeaking effects have been assessed using the classification framework set out in Bakken et al. (2023), the same methodology referenced by NatureScot. The methodology was applied in consultation with Atle Harby of SINTEF, a co-author of the Bakken (2023) paper, to confirm correct interpretation for a PSH scheme discharging to a large lower reservoir such as Loch Ness.

The results demonstrate that cumulative operation of the Proposed Development together with Loch na Cathrach Pumped Storage Hydro, Loch Kemp Storage and the existing Foyers Pumped Storage Hydro scheme falls within the Small (Green) category, reflecting a moderate hydropeaking effect and low vulnerability.

The assessment was undertaken on a precautionary basis without accounting for the hydraulic attenuation provided by the large Loch Ness waterbody itself, which is likely to be non-negligible and would improve these results in practice. Furthermore, the same assessment undertaken for the three other schemes without the Proposed Development yields the same Small (Green) classification, demonstrating that the Proposed Development does not represent the marginal increment that would move the cumulative hydropeaking position into a more adverse category.

Should additional mitigation be required by condition, the assessment also demonstrates that partial operation of the variable weir at approximately 55% capacity during winter would reduce E1 below 5 cm/h, representing the threshold for no hydropeaking under the Bakken framework.

In its response of 25 February 2026, NatureScot confirmed its position in relation to the Hydropeaking Assessment as follows: "Based on the assessment submitted, we agree that changes to the winter flow

regime will not significantly impede downstream and upstream migration of salmon from the River Moriston SAC."

4. Dochfour Weir — Fish Passage

4.1 Purpose and Scope of Proposed Modifications

The proposed modifications to Dochfour Weir are set out in Appendix 2.1 of the EIAR. The primary operational function of the variable crest weir is to remove the impact of PSH flows on the downstream River Ness during the operational period (May to September). The weir achieves this by containing generation flows within Loch Ness, ensuring that PSH activity does not alter downstream flow conditions in the River Ness.

The proposed works at Dochfour Weir comprise an integrated package of water management and fish passage improvements, consisting of:

- A variable crest weir, designed to remove the impact of PSH flows on the downstream River Ness during the operational period (May to September);
- A permanent multi-species vertical slot fish pass with dedicated auxiliary attraction flow channels, designed to meet or exceed best practice guidance (Environment Agency Fish Pass Manual) for upstream passage of migratory salmonids and non-salmonid species including lamprey and European eel;
- Three purpose-designed downstream smolt passes with bellmouth inlets, positioned at key locations to intercept downstream-migrating smolts before they reach the Caledonian Canal; and
- Fish monitoring infrastructure, including provision for a dedicated fish counter at the upstream fish pass.

It is the Applicant's position that the current passage arrangements at Dochfour Weir are sub-optimal for fish passage, as reflected by concerns identified by NatureScot, the NDSFB and in the findings of Chapter 9 of the EIAR. The existing lowered crest section functions as an uncontrolled passage route without the managed hydraulics, defined slot geometry or dedicated auxiliary attraction flow of a purpose-designed fish pass. The existing smolt bywash channels are poorly designed and ineffective, and downstream-migrating smolts are at risk of delay and entrainment into the Caledonian Canal. The proposed permanent arrangements represent a significant improvement on this baseline.

In response to NatureScot's further information request of 19 January 2026 (reference CDM173569), relating specifically to the River Moriston SAC, the Applicant has submitted detailed fish passage design and construction disturbance information (March 2026) demonstrating how the proposed works can be constructed and operated without adverse effect on Atlantic salmon. This submission includes hydraulic design evidence assessed across the full Q95–Q10 operating range and under climate change scenarios, computational fluid dynamics modelling of smolt pass performance, and a six-phase construction sequence maintaining continuous upstream and downstream passage throughout the construction period.

While the upgraded structure will allow more effective management of water levels within the existing operational envelope, this does not represent the creation of a new storage regime for the benefit of a single scheme. Modelled results presented in the June 2025 Additional Information show that the proposed operation would reduce the frequency of very low water level events in dry years, providing benefits to a range of loch users including navigation interests and downstream flow management, while remaining subject to the established regulatory controls.

4.2 Engineering Design and Structural Integrity

The existing SSE sluice arrangement at Dochfour Weir was installed as part of the Foyers Pumped Storage Hydro development to manage the interaction between Loch Ness levels and flows in the River Ness. The fact that this system continues to operate effectively, following recent upgrades, demonstrates that technical control of downstream flows in response to pumped storage operations is both feasible and well established in the Ness system. The proposed Dochfour Weir Upgrade represents a modernisation and expansion of the existing flow control capability rather than a fundamentally different concept.

The proposed Dochfour Weir Upgrade modifications would incorporate modern inflatable weir technology with built-in redundancy and failsafe operating systems. Such structures are widely used internationally for water level regulation and flood management². The design allows individual gate sections to be isolated or lowered for maintenance without affecting the overall ability of the structure to regulate flows. The combination of multiple inflatable weir sections together with the remaining sluice gate provides operational flexibility should any individual component require maintenance or temporary adjustment.

The flood risk implications have been assessed through the EIAR and associated hydrological modelling. The design maintains the flood conveyance capacity of the River Ness system and ensures that no increase in flood risk arises for downstream receptors, including Inverness. With regard to the pneumatic components, the inflatable elements are robust engineered systems designed for continuous operation in exposed hydraulic environments and for overtopping flows. These components are typically located within the body of the structure and are not readily accessible. No fencing of the weir is proposed and public access arrangements, including angling and recreational use, would remain unchanged.

Detailed engineering, heritage and architectural design of the proposed Dochfour Weir Upgrade will be progressed through a separate consent process, as set out above. As a Scheduled Ancient Monument, any works affecting the structure will require Scheduled Monument Consent and will be subject to scrutiny by Historic Environment Scotland. The EIAR sets out the functional concept required; the detailed structural configuration, visual treatment and heritage considerations will be developed through the appropriate statutory processes.

It is recognised that the visual character of Dochfour Weir is closely associated with the continuous overflow of water across the existing crest. The proposed upgrade has been developed with the objective of maintaining a similar overflow condition along the length of the structure during normal

² PIANC, *Inflatable Structures in Hydraulic Engineering*, InCom Working Group Report No. 166 (Brussels: PIANC, 2018).

operation. The detailed hydraulic behaviour, including the configuration and operation of individual gate sections, will be refined during the detailed design stage.

4.3 Baseline Fish Passage Assessment

The EIAR assessment of fish passage at Dochfour Weir is based on hydraulic modelling, site observations and established fish passage assessment methodologies. The assessment does not conclude that the existing structure forms a complete barrier to migration, but that passage conditions may be constrained under certain hydraulic and operational conditions.

Paragraph 9.8.52 of the EIAR records concerns raised during consultation regarding the effectiveness of the existing fish pass provision at Dochfour Weir under certain baseline flow conditions. These discussions took place during consultation with NDSFB, including a meeting held on 15 April 2019 and a subsequent site visit.

NDSFB refer to an earlier report prepared by AECOM in July 2019 for the Red John Pumped Storage Hydro Scheme (now known as Loch na Cathrach), which they state concluded that the fish pass was "no barrier" to salmon passage. The earlier work examined fish passability primarily in relation to hydraulic criteria using the SNIFFER (2010) guidance. However, the same assessment also recognised a number of constraints affecting fish passage, including the influence of attraction flows generated by the sluice gates (referred to by NDSFB as lift gates), structural modifications following the 2017 repair works, and the potential for migrating fish to be distracted from the fish pass by higher flows through the gates.

The statement in paragraph 9.8.57 that the current configuration of the weir and fish pass is not conducive to successful migration reflects a broader ecological assessment of passage conditions rather than a narrow hydraulic assessment based solely on depth and velocity criteria. The EIAR considers behavioural responses, attraction flows and structural conditions in addition to hydraulic passability metrics.

It is noted that NDSFB did not object to the Red John Pumped Storage hydro (now known as Loch na Cathrach) technical work at the time, notwithstanding that it identified the same baseline constraints upon which the Proposed Development EIAR assessment is built. The assessment presented in Chapter 9 develops those findings further, evaluating them in the context of the Proposed Development and the cumulative operation of other schemes within the Loch Ness system. NDSFB's current position (that the existing structure presents no constraint to upstream migration) represents a departure from the technical findings that were not contested during the Red John Pumped Storage Hydro (now known as Loch na Cathrach) process.

The fish passage design information submitted to NatureScot in response to these baseline constraints is described at Section 4.1 above and available in the June 2026 Additional Information package.

4.4 Compensation Flow Terminology

The CAR licence cited by NDSFB specifies a combined minimum daily flow requirement for the River Garry and River Moriston downstream of the respective hydroelectric power stations, rather than a minimum flow for the River Ness itself. The reference within the EIAR to compensation flow at Dochfour

Weir reflects the operational function of the sluice gates historically used to regulate downstream flows.

Hydraulic modelling of fish passage was undertaken using recorded flow and level data rather than relying on a fixed compensation flow parameter. The modelling results are based on measured relationships between loch levels, discharge conditions and fish pass hydraulics, and are not materially affected by the terminology used.

The key issue identified in the EIAR is the distribution of flows across the existing weir system under lower water level conditions. As water levels fall and sluice gates are opened to maintain downstream discharge, a greater proportion of flow can pass beneath the gates rather than over the fish pass, potentially reducing attractant flow and affecting fish passage efficiency. This hydraulic behaviour is independent of whether a specific minimum flow is formally defined for the River Ness.

4.5 Downstream Smolt Passage at Sluice Gates

Paragraph 9.8.55 forms part of the wider assessment of baseline fish passage conditions at Dochfour Weir. Hydraulic modelling indicates that when the existing sluice gates are opened to regulate water levels, a proportion of downstream discharge passes beneath the gates, creating localised flow acceleration and elevated velocities.

The reference should be understood in behavioural rather than injury terms. Available experimental evidence indicates that downstream migrating salmon smolts tend to avoid strongly accelerating flow fields, with avoidance responses becoming pronounced where velocity gradients approach approximately 1 m/s/m. Under such conditions the likely effect is to influence migration routing or cause delay, rather than to result in direct physical harm.

The proposed modifications to Dochfour Weir are intended to improve overall passage conditions and reduce reliance on sluice gate flows as the dominant hydraulic pathway under low water level scenarios.

4.6 Salmon Run Timings

Paragraph 9.8.56 of the EIAR provides a general description of Atlantic salmon migration timing in Scottish rivers. The additional detail provided by NDSFB regarding the River Ness catchment is noted, including the strong spring run commencing in January and extending through May, followed by the main summer run during June to August.

To reflect this local understanding more clearly, the subsequent Atlantic Salmon Assessment for River Ness (August 2025) sets out a Loch Ness system-specific seasonal timeline for salmon life stages based on information provided by NDSFB (2024).

Clarification of the precise timing of seasonal runs does not alter the conclusions of the assessment. The hydrological modelling shows that from May to September the Seasonal Variable Weir is designed to remove the impact of PSH flows on the downstream River Ness during the principal adult migration period, while fluctuations modelled between October and April have been assessed within the Hydropeaking Assessment.

4.7 Spring Flow Reductions

The flow duration curves presented in the June 2025 Additional Information reflect modelled conditions both when the proposed variable weir is operational and when it is not. Under the current design, the variable Dochfour Weir operates from May to September. During this period, the structure is designed to remove the impact of PSH flows on the downstream River Ness, maintaining flows at baseline conditions.

The reductions in Q95 spring flows identified by NDSFB arise during April, which falls outside the current variable weir operating season. May and June, which together with April form the spring season used in the flow duration tables, fall within the operational period and are therefore not subject to the same reductions.

It is recognised that the latter part of April coincides with the early stages of the smolt migration period. Hydrological modelling confirms that improvement to low flows in April could be achieved by extending the start of the variable weir operating season to cover the onset of smolt migration. The precise operating period of the variable Dochfour Weir is a matter that can be refined through the detailed design process and secured by planning condition, informed by the findings of the 2025 smolt tracking study and the adaptive management framework overseen by the proposed Water Management Board.

The statement in paragraph 9.9.13 regarding the creation of a more natural flow regime refers to the ability of the variable weir to regulate flows and reduce artificial variability that would otherwise arise from pumped storage operation. It does not imply that the River Ness would be made more natural than the existing baseline regime. It would, however, be possible to operate the variable Dochfour Weir in such a way as to improve conditions for downstream migrating fish, with the operating parameters to be agreed through the Water Management Board.

Flow duration statistics present a simplified summary of flow conditions and do not reflect the temporal variability of river levels. The additional River Ness hydrological modelling provided presents hourly time-series simulations of river levels under baseline and operational scenarios, providing a more complete representation of flow behaviour.

4.8 Scottish Canals and Smolt Passage

The EnviroCentre (March 2025) optioneering study confirms that a proportion of downstream migrating smolts are attracted into the Caledonian Canal rather than continuing downstream into the River Ness, resulting in delayed migration and increased predation risk. This issue is already recognised within the EIAR assessment, which identifies diversion of smolts into the canal as a known constraint within the existing baseline system.

The EnviroCentre optioneering study represents an assessment of potential future interventions and does not itself constitute a committed programme of works. The delivery, design and timing of any measures arising from that study remain a matter for Scottish Canals and partner bodies.

The mitigation proposed as part of the Proposed Development addresses fish passage conditions at Dochfour Weir and the hydraulic regime immediately upstream of the canal entrance. Measures including the seasonally variable weir operation, upgraded fish pass and associated smolt passage

improvements form part of the Proposed Development and would be secured through the project consent and regulatory approvals.

In addition to the measures at Dochfour Weir itself, the Applicant's fish passage submission to NatureScot (March 2026) includes three purpose-designed smolt passes positioned at key locations to intercept downstream-migrating smolts before they reach the Caledonian Canal. Computational fluid dynamics modelling of the most downstream smolt pass, adjacent to Dochgarroch Lock, demonstrates that the flow field directs smolts towards the passage route. The Applicant's position is that the proposed arrangements will materially reduce smolt losses to the Caledonian Canal compared to the current baseline.

4.9 Proposed Improvements and Ecological Outcomes

The Proposed Development's EIAR assessment identifies that fish passage conditions at Dochfour Weir can be constrained under certain hydraulic and operational conditions. The proposed modifications, including an upgraded fish pass and the operation of a seasonally variable weir, are intended to improve fish passage conditions relative to the existing baseline configuration.

While the existing structure may provide opportunistic passage routes for species such as eel and lamprey along the face of the weir, the proposed mitigation has been designed to provide a more reliable and hydraulically controlled passage route for migratory species in accordance with modern fish passage design guidance.

With regard to the structural condition of the weir, while the existing sheet piling works were undertaken to extend the structural life of the weir, this does not address operational water level management under changing hydrological conditions. Recent water level records indicate that Loch Ness has experienced prolonged periods of low water levels in recent years. The proposed variable weir arrangement would allow levels to be better managed during such periods.

4.10 Summary — Dochfour Weir and Fish Passage

The EIAR assessment of fish passage at Dochfour Weir is based on hydraulic modelling, site observations and established fish passage assessment methodologies. The assessment does not conclude that the existing structure forms a complete barrier to migration, but that passage conditions may be constrained under certain hydraulic and operational conditions.

As set out at Section 4.1, the proposed fish passage arrangements represent a significant improvement on the existing baseline at Dochfour Weir. The scope of the proposed works, the design basis and the status of the NatureScot submission are described in that section.

Hydrological modelling and ecological assessment presented in the EIAR and subsequent Additional Information conclude that the Proposed Development would not result in significant adverse effects on Atlantic salmon or other migratory fish species in the River Ness.

5. Littoral Zone Invertebrates

The baseline characteristics of Loch Ness shoreline habitats, the applicability of Smith et al. (1987), and the predicted magnitude of water level fluctuations are addressed at Section 3.3 above.

In addition to the annual water level fluctuation threshold discussed at Section 3.3, Smith et al. also identify weekly water level fluctuations (WWLF) greater than 0.5 metres as a threshold above which littoral invertebrate communities become impoverished. However, the findings of Smith et al. on shorter-period fluctuations relate primarily to reservoir systems where sustained drawdowns expose littoral habitats for prolonged periods, causing desiccation and loss of habitat continuity. The operational regime of the Proposed Development is fundamentally different. Pumping and generation cycles return water to Loch Ness within the same or subsequent dispatch period, and the littoral zone is not subjected to the prolonged exposure characteristic of the reservoir drawdown regimes studied by Smith et al.

Macroinvertebrate surveys covering twelve representative locations, reported in the EIAR (Appendix 9.1) and the Aquatic Ecology – Loch Ness Macroinvertebrate Survey Update (August 2025), confirm that each taxon recorded has been individually assessed for its tolerance of water level variability. All taxa, including the eight additional species identified in the supplementary surveys, are considered tolerant of fluctuating water levels. Several species exhibit life-history strategies positively associated with water level variation; for example, the caddisfly *Limnephilus marmoratus* relies on periodic inundation of marginal substrate for successful egg submersion and hatching. No rare or notably sensitive littoral invertebrate species were identified that would be disproportionately affected by the predicted operational regime.

The assessment of effects on littoral invertebrate communities does not require mitigation because the ecological effect is assessed as negligible. This conclusion is distinct from the compensatory measures proposed for other receptors, where the nature and sensitivity of the receptor and the applicable policy framework require a different response.

With regard to Loch nan Breac Dearga, the ecological effects associated with the creation of the headpond are assessed within the EIAR. In addition, the outline Landscape and Ecological Management Plan includes wider habitat creation and enhancement measures across the Balmacaan Estate, including ponds specifically designed to support aquatic invertebrates together with extensive riparian and native woodland planting. It is therefore incorrect to state that no mitigation is proposed for this receptor.

The EIAR concludes that predicted effects on aquatic macrophytes, macroinvertebrates and other fish species within Loch Ness would be of low magnitude and not significant in EIA terms. The additional survey evidence presented in the Macroinvertebrate Survey Update confirms that this conclusion remains applicable across the full twelve-site dataset.

6. Marine Mammals — Chanonry Point

The Applicant recognises the importance of Chanonry Point as a well-known wildlife viewing location and the wider public interest in bottlenose dolphins feeding on returning Atlantic salmon at this location. The potential relationship between salmon populations in the Ness catchment and dolphin foraging behaviour in the inner Moray Firth was considered in Chapter 9 of the EIAR.

The EIAR concludes that, in the absence of mitigation, any indirect effects on marine mammals through impacts to prey species would be of low magnitude and minor adverse effect. However, the assessment also recognises that Atlantic salmon enter the Moray Firth from a number of catchments, that

bottlenose dolphins and harbour seals utilise a range of prey species, and that local populations of these marine mammals are considered stable.

Importantly, the Proposed Development includes additional mitigation intended to improve fish passage at Dochfour Weir and reduce the loss of smolts to the Caledonian Canal, thereby increasing the number of smolts reaching the Moray Firth. On that basis, the EIAR concludes that the residual effect on the qualifying marine mammal features of the Moray Firth SAC would be minor beneficial, which is significant.

The Applicant therefore does not accept that the Proposed Development would harm the recognised wildlife interest of Chanonry Point. On the contrary, the fish passage improvements proposed at Dochfour Weir are intended to support smolt survival and thereby support the salmon resource on which dolphin feeding opportunities depend.

7. Construction Impacts

The 2.1 km behavioural avoidance distance cited in the EIAR relates to potential behavioural avoidance, not to injury. Injury risk would be limited to a very small zone close to piling activity, within approximately 20 m of the source. The 2.1 km distance represents a conservative worst-case modelling scenario prior to the application of mitigation.

Construction activities will be temporary and carefully programmed, with the highest noise levels associated only with limited phases of works such as piling. Noise-generating activities will be scheduled outside key migration periods to minimise potential for behavioural disturbance during the most sensitive times of year.

The Lower Control Works occupy a small, localised area of shoreline relative to the scale of Loch Ness. While temporary behavioural disturbance may occur during the noisiest construction activities, salmon migrating through the loch are not constrained to a single pathway and the remainder of the loch remains available for movement and holding behaviour.

The EIAR concludes that construction effects on migratory salmon would be temporary and of minor adverse significance, and not significant in EIA terms.

8. Smolt Tracking Study 2025

The Applicant is grateful to NDSFB for their constructive role in scoping, developing and implementing the 2025 smolt tracking study. The results of this work are expected to provide valuable information for the development of the Fisheries Management Plan.

The Proposed Development is committed to adapting operational practices in response to the findings of this study as they become available. This could include measures such as seasonal or time-of-day operational curtailment during peak migration periods, rather than reliance on continuous real-time detection of individual fish. An alternative has been suggested by NatureScot using screening which is sufficiently offset from intakes to below known smolt velocity cue threshold.

NDSFB suggests that the significance of the 2025 smolt tracking study may be limited because Foyers Pumped Storage Hydro appears to have operated at a reduced level during part of the tagging period.

The Applicant does not agree that this materially limits the study's value. A period without PSH influence would provide an exceptionally valuable baseline condition for the study. Observations of smolt behaviour and distribution within Loch Ness during a period of minimal PSH influence provide a rare and important point of comparison against which the effects of future PSH operation can be assessed. Rather than limiting the value of the study, this would enhance its scientific utility for informing the Fisheries Management Plan and any subsequent adaptive management framework.

The Applicant is committed to repeating the smolt tracking study before the commencement of operation of the Proposed Development. This will allow direct comparison with the 2025 baseline data and will form a key input to the adaptive management framework secured through the Fisheries Management Plan. The study programme is therefore designed to build an enhanced evidence base over time.

The observation reported by anglers in May 2025 that smolts can occur in localised concentrations along parts of the shoreline further illustrates the dynamic and spatially variable nature of smolt movement within Loch Ness. It is noted that the reported observations were from the eastern shoreline, the far side from the location of the Proposed Development's intake structures.

9. Multiple PSH Operation and Regulation

Operation of each pumped storage scheme on Loch Ness is controlled through environmental licences issued by SEPA. Those licences define the relevant operational controls, including hands-off levels and abstraction conditions, to prevent pumping when loch levels approach defined thresholds. For the purposes of the EIAR and the Applicant's current assessment, the Proposed Development has been assessed using a proposed hands-off level of 15.42 m AOD, that is, 150 mm above the statutory minimum level of 15.27 m AOD. The Applicant recognises, however, that the final operational hands-off level will be determined through the environmental authorisations statutory process, and may be secured, where appropriate, through a planning condition requiring compliance with that regime.

It is acknowledged that a low water level event occurred in May 2023 during which Loch Ness levels fell below the statutory minimum. NDSFB note in their own submission that the SSE sluice control system at Dochfour Weir was updated in 2024 and "now seems to work well". The regulatory approach for the Proposed Development builds on this operational experience, with abstraction controls, compliance monitoring and enforcement to be determined by SEPA through the environmental permitting regime. Loch levels are already publicly available in real time via the existing gauge at Foyers.

The proposed Water Management Board, comprising relevant stakeholders including Scottish Canals, relevant developers, fisheries interests and statutory regulators, would provide coordinated oversight of abstraction across multiple schemes, which is not present under the current single-operator arrangement.

The proposed upgrade to Dochfour Weir would also allow additional water to be retained within Loch Ness during periods of low inflow, improving system resilience during summer low-water conditions. Its purpose is to help maintain downstream flows and reduce the likelihood of loch levels approaching minimum thresholds.

Pumped storage schemes operate in response to electricity market dispatch and grid requirements. Accordingly, even if multiple pumped storage hydro schemes were present within the same system,

simultaneous full-capacity pumping or generation across all schemes to utilise all of their headpond capacity is very unlikely in practice.

In summary, the environmental implications of operation have been assessed in the EIAR, and the detailed operational safeguards would fall to be secured and enforced through the statutory environmental licensing regime administered by SEPA.

10. Visual Impact

The comparison with Foyers Pumped Storage Hydro is not directly applicable. Unlike Foyers Pumped Storage Hydro, the Proposed Development does not include a surface powerhouse on the shoreline. The generating equipment is located within an underground powerhouse approximately 500 m below the headpond location, avoiding the need for large industrial buildings at the loch edge.

The Lower Control Works on Loch Ness have been designed to be low profile and integrated with the shoreline. The structures will be finished in materials appropriate to the local landscape and supplemented with planting where practicable. The design intent is that the intake structure presents a modest jetty-like form consistent with other small-scale shoreline infrastructure commonly present around Loch Ness.

With regard to the intake screen dimensions, the two distances referenced in the EIAR describe different points in the intake geometry. The smolt screens extend approximately 33 m from the end of the intake structure itself. The 53 m distance referred to in paragraph 9.7.2 relates to the point at which the waterway begins to flare and increase in cross-sectional area upstream of the intake. This spacing allows the intake area to expand, ensuring approach velocities remain below 0.3 m/s, the accepted design threshold to avoid smolt entrainment or impingement.

The design and construction of the Lower Control Works, including the retaining structures adjacent to the A82 and tunnelling works, have been considered through the engineering design process and assessed within the EIAR. Construction activities will be subject to normal regulatory controls governing works near trunk roads.

The design approach reflects a clear intention to minimise visual presence at the loch shore while locating the major infrastructure underground and integrating the remaining structures as sensitively as possible within the landscape setting.

11. Alternatives

The Applicant notes NDSFB's acknowledgement that additional storage will be required to support the transition to renewable generation. The question of the appropriate mix of storage technologies, including pumped storage hydro and battery energy storage systems, is a matter for national energy policy and the electricity market rather than for individual planning applications.

The EIAR assesses the Proposed Development proposal on its own merits and in accordance with the relevant regulatory framework. The scheme has been specifically designed to minimise environmental and visual impacts, with the main generating infrastructure located underground and with measures incorporated to address fish passage, hydrological management and other environmental considerations identified through the assessment process.

The comparison with other pumped storage proposals or alternative technologies does not alter the assessment of this application. The progress or otherwise of other consented schemes elsewhere in Scotland is not a relevant planning consideration for this proposal.

12. Summary

The matters raised by NDSFB in their August 2025 representation have been considered in detail and are addressed within the EIAR, subsequent Additional Information submissions and this response.

The Proposed Development has taken a proactive approach to environmental assessment and mitigation. This includes delivery of the first dedicated smolt tracking study on Loch Ness in collaboration with NDSFB, commissioning a research programme into hydro-environmental interactions, deployment of monitoring equipment to establish baseline conditions, and proposals to improve fish passage at Dochfour Weir alongside operational safeguards and monitoring commitments.

The Proposed Development incorporates an adaptive management approach, allowing operational practices to respond to new information as monitoring data becomes available. These measures will be overseen through both the Water Management Board and the existing established statutory frameworks involving SEPA, NatureScot and The Highland Council.

The assessment of the Proposed Development has been undertaken in accordance with the applicable statutory and regulatory framework and concludes that, with the proposed mitigation and monitoring measures in place, the Proposed Development would not result in significant adverse environmental effects.

Applicant's Response to Ness District Salmon Fishery Board Representation (dated 14 September 2025, received 14 October 2025)

Glen Earrach Energy Pumped Storage Hydro (PSH) Project ECU Ref: ECU00005121

1. Introduction

This document provides the Applicant's response to the representation submitted by the Ness District Salmon Fishery Board (NDSFB) to the Energy Consents Unit dated 14 September 2025 but received by the Energy Consents Unit on 14 October 2025, relating to Additional Information submitted by the Applicant in September 2025.

The NDSFB representation addresses the following documents:

- Document 3: River Ness Hydrology – Water Level Modelling;
- Document 4a: Aquatic Ecology – Atlantic Salmon Assessment for River Ness; and
- Document 4b: Aquatic Ecology – Loch Ness Macroinvertebrate Survey Update.

The Applicant acknowledges the statutory role of the Ness District Salmon Fishery Board in relation to the protection and enhancement of salmon fisheries within the Ness catchment and has given careful consideration to the points raised in its representation. This response is provided to ensure that all consultee comments have been fully considered and addressed as part of the application process. The Applicant's position on the matters raised is set out below by topic. The NDSFB representation is not repeated here.

Where the matters raised relate to the effects of changes to the flow regime in the River Ness on Atlantic Salmon and hydropeaking, this response should be read in conjunction with the Applicant's *Response to Request for Further Information Regarding the Effects of Changes to the Flow Regime in the River Ness on Migrating Atlantic Salmon* (hereinafter referred to as "the Hydropeaking Assessment"), which has been prepared in response to NatureScot's request for further information (reference CDM173569, dated 19 January 2026) and is submitted as part of the current Additional Information package. That document sets out a detailed assessment of hydropeaking effects using the classification framework proposed by Bakken et al. (2023), informed by discussion with the lead author of the underlying study. Cross-references to that document are provided where relevant to avoid unnecessary duplication. The Applicant's position is set out below under hydrology, Atlantic salmon, and macroinvertebrates, with reference where relevant to the Hydropeaking Assessment and other material already submitted.

2. River Ness Hydrology – Water Level Modelling

The hydrology material submitted to date should be read as a whole, including the main original EIA Report dated March 2025, the previous Additional Information submissions and the latest Additional Information.

2.1 Water Depths and Low Flow Occurrence

The River Ness hydrology note submitted in September 2025 was prepared specifically to provide the hourly time-series plots requested by NDSFB at the Ness-side gauge, derived using the SEPA rating, for baseline, the Proposed Development alone, and cumulative scenarios. It is not a

standalone reassessment, but a presentation of model outputs from the established hydrological model.

The Applicant notes that the NDSFB's reference to "flows of 0.7 m" and "river level of 0.7 m" appears to relate to water depth rather than flow or level. With that clarification, the Applicant agrees that water depths in the River Ness fluctuate under existing conditions and that depths of 0.7 m or less occur during periods of naturally low water levels, as reflected in both recorded data and the modelled baseline scenarios.

The characterisation of the Proposed Development as introducing frequent periods of low water levels throughout the year does not reflect the operational design. During the operational period (1 May to 30 September), the Dochfour Upgraded Variable Weir (hereon referred to as the Dochfour weir upgrade), as set out in the original EIA Report dated March 2025, is designed to remove the impact of PSH flows on the downstream River Ness. During the non-operational period, the Hydropeaking Assessment addresses the nature and extent of flow variations, including their frequency, and concludes a Small (Green) total impact under the Bakken et al. (2023) framework.

The broader question of the extent and significance of modelled flow variation is addressed in Sections 2.2 and 2.6 below, and in detail within the Hydropeaking Assessment.

2.2 Characterisation as a Hydropeaking River

The characterisation of the River Ness as subject to daily fluctuations of around 1 m overstates what the modelling shows. Variations of that magnitude are associated with infrequent full generation cycles. The modelling demonstrates that day-to-day fluctuations are substantially smaller.

It is important to distinguish between the operational and non-operational periods. During the proposed operational period (1 May to 30 September), the Dochfour Weir upgrade is designed to remove the impact of PSH flows on the downstream River Ness. The modelled scenarios incorporate seasonal operation of the Dochfour Weir upgrade, with PSH-related flow effects removed from the River Ness during the summer period and winter variation assessed explicitly within the model outputs. During the non-operational period (1 October to 30 April), there is the potential for some variation in River Ness flows arising from pumped storage operations. The extent of this has been assessed quantitatively in the Hydropeaking Assessment using the Bakken et al. (2023) classification framework. This work calculates the rate of change in water level (parameter E1) at 10.06 cm/h at the 90th percentile, which is below the guideline limit of 13 cm/h identified in Alfredsen (2022) and within the Moderate category. The overall total impact, combining hydropeaking effect with vulnerability, is assessed as Small (Green). Full details are set out in the Hydropeaking Assessment.

2.3 Aesthetic, Amenity and Safety Impacts

The assertions regarding aesthetic, amenity and safety impacts are not supported by the hydrological modelling or the design direction of the proposed scheme. As set out above, the Dochfour Weir upgrade is designed to contain generation flows within Loch Ness, and during operation of the Dochfour Weir upgrade day-to-day flow variations in the River Ness remain within the range of baseline variability.

In relation to structural integrity and flood risk, the Dochfour Weir upgrade will be designed, constructed, operated and maintained in accordance with applicable regulatory requirements, including the Reservoirs (Scotland) Act 2011. The segmental design, combined with the retained

ability to operate one of the existing lift gates, provides operational flexibility and resilience. The preservation and structural integrity of the existing Ness Weir will be a key design consideration, and the proposed works are expected to enhance overall control and management of flows. The existing Ness Weir, together with any modifications, would be inspected and monitored in line with the requirements of the Act.

2.4 Transition Between Non-Operational and Operational States

The Applicant does not agree that the modelled behaviour is inconsistent or that it implies a material reduction in River Ness flows during the spring period.

The interpretation presented by NDSFB is based on the assumption that any increase in Loch Ness water level must be achieved through a corresponding reduction in outflows to the River Ness. This does not reflect how the modelled system operates. Loch Ness levels are governed by the combined effects of natural inflows, natural outflows and the operation of the pumped storage system, which includes both pumping water from Loch Ness up to the headpond and generating by releasing water from the headpond back into Loch Ness. Releases from the headpond add water to Loch Ness and can therefore raise loch levels without any reduction in outflows to the River Ness. The mechanism by which Loch Ness levels rise during the spring filling period accordingly does not depend on, and is not delivered by, restricting River Ness outflows in the manner suggested.

In particular, the analysis presented does not account for the working volume of the Proposed Development, which is approximately 29 Mm³ - equivalent to a change in Loch Ness level of the order of 0.5 m. Generation cycles return previously pumped water from the headpond back to Loch Ness, and it is the routing of this water through the wider storage system, rather than any restriction of River Ness outflows, that gives rise to the modelled changes in loch level. In practice, the transition to summer operation will be managed such that headpond storage and weir operation are sequenced appropriately, ensuring that the raising of the weir corresponds to the discharge of stored water rather than any restriction of downstream flows. The detailed operational sequencing is a matter for detailed design and operational planning, to be secured through the consenting framework. The inference that flows in the River Ness would need to cease for an extended period is therefore not supported.

The Additional Information submitted in July 2025 presents modelled water balance behaviour at a system level, including periods of storage within Loch Ness. The September 2025 Additional Information provides time-series outputs at the Ness-side gauge. These datasets present different aspects of the same modelled system and should be read together. The time-series outputs demonstrate that flows in the River Ness remain within the range of baseline variability and do not exhibit the sustained reductions described.

In relation to the transition between non-operational and operational periods, the modelling reflects a controlled change in operating regime at the start of the operational window. The representation of this transition in the outputs reflects the structure of the model and does not imply an instantaneous physical change in river or loch behaviour. The purpose of the Dochfour Weir upgrade during the operational period is to maintain downstream conditions within the range of baseline variability, and the modelled results demonstrate that this objective is achieved.

The Applicant therefore does not accept that the datasets are conflicting, nor that the modelled behaviour indicates a requirement for, or occurrence of, material or sustained reductions in flows in the River Ness during the spring period.

2.5 Data Integrity

The Applicant does not accept the suggestion that the data presented in the July and September 2025 Additional Information submissions are conflicting, erroneous, or in any way intended to mislead. Both submissions are derived from the same established hydrological model and present different aspects of its outputs: the Additional Information submitted in July 2025 sets out modelled water balance behaviour at a system level, and the September 2025 hydrology note presents hourly time-series outputs at the Ness-side gauge as requested by NDSFB. Read together, and in the context of the operational design of the Dochfour Weir upgrade, the outputs are internally consistent and reflect the design intent that the impact of pumped storage hydro on the downstream River Ness is removed during the operational period. The suggestion that flows in the River Ness would need to be stopped for an extended period reflects a misreading of the modelled system, as set out at Section 2.4 above.

For completeness, the apparent contrast between Table 2-11 of the Additional Information submitted in July 2025 and the hourly time-series in the September 2025 submitted Additional Information reflects the different statistical bases of the two outputs rather than any conflict between them. Table 2-11 presents flow percentiles aggregated across the spring period, which includes April, a month falling outside the operational window of the Dochfour Weir upgrade. During that month, the cumulative scenarios exhibit short-duration variations in flow associated with individual pumping and generation cycles. Those variations do not represent a net loss of water from the system. Water abstracted from Loch Ness during pumping is returned during generation, and the corresponding peaks and troughs therefore both appear within the modelled time-series. When such variability is aggregated into seasonal percentiles, the lower percentiles capture the troughs and the higher percentiles capture the peaks, even where the overall pattern does not indicate a sustained reduction in flow relative to baseline. Figure A2-3 shows this directly, with repeated short-duration oscillations through April and close convergence with baseline from 1 May onwards as the Dochfour Weir upgrade enters its proposed operational window. The two outputs are therefore complementary views of the same modelled dataset, and Table 2-11 should not be read as indicating sustained reductions in River Ness flows during spring.

2.6 Summary Response – Hydrology

The Applicant does not agree with the characterisation of the Proposed Development as converting the River Ness into a hydropeaking system of the kind described by NDSFB. During the operational period, the Dochfour Weir upgrade is designed to remove the impact of PSH flows on the downstream River Ness. During the non-operational period, the Hydropeaking Assessment demonstrates that the overall impact is Small (Green) under the Bakken et al. (2023) framework.

The Proposed Development is not designed to restrict the natural outflows from Loch Ness. The Dochfour Weir upgrade functions to remove the impact of pumped storage hydro on the downstream River Ness during the operational period, by managing temporary increases in outflow associated with generation cycles. Subject to the operation of the Dochfour Weir upgrade and the wider managed system, natural inflows and outflows continue to govern conditions in the River Ness.

The assessment has been undertaken on a cumulative basis, including the Proposed Development, Loch Kemp Storage and Loch na Cathrach PSH, allowing a like-for-like comparison with the existing baseline, which already includes Foyers PSH operations. The Applicant notes that future coordinated water management arrangements involving the Foyers PSH scheme could, in principle,

offer further reductions in PSH-related effects on flows in the River Ness beyond the position assessed; this is not, however, relied upon in the assessment of the Proposed Development.

3. Aquatic Ecology – Atlantic Salmon Assessment for River Ness

3.1 Hydropeaking Effects on Atlantic Salmon

The Applicant does not agree with this characterisation. The assessment in Table 6.1 reflects the operational design of the Proposed Development, under which the Dochfour Weir upgrade is designed to remove the impact of PSH flows on the downstream River Ness during the summer period. On that basis, the key mechanisms by which hydropeaking would affect Atlantic Salmon - including rapid flow variation, dewatering of margins and disruption to life cycle stages - are not expected to arise in a manner that would give rise to significant effects in the River Ness during the operational period.

In relation to the assertion that the assessment involved no relevant survey or analytical work, the Application and Additional Information submitted have considered potential effects on Atlantic Salmon spawning habitat and wider aquatic ecology within the River Ness. This includes a desktop assessment of hydropeaking effects, which provides the basis for the evaluation of risks to each life stage. The conclusions presented in Table 6.1 are the documented conclusions of the August 2025 Atlantic Salmon Assessment, structured by life stage and directly supported by the modelled hydrological outputs and annual hydrographs for 2021 and 2023. Potential hydropeaking effects are explicitly identified and described within that assessment prior to the life-stage evaluation and are then considered within the context of the modelled River Ness water level regime. The assertion that the assessment relies solely on "normal bounds" of variation is not correct. The conclusion of negligible to minor effects reflects the absence of a material change to the flow regime during the operational period, rather than a reliance on tolerance thresholds.

For the proposed non-operational (winter) period, the Hydropeaking Assessment provides a detailed quantitative evaluation using the Bakken et al. (2023) classification framework. The overall assessment concludes a Small (Green) total impact, comprising a Moderate hydropeaking effect and Low vulnerability. Full parameter calculations are set out in that document, including rate of change, dewatered area, magnitude of flow changes, and the complete vulnerability assessment.

The conclusion of no significant effects on Atlantic Salmon remains valid, supported by the proposed Fisheries Management Plan and associated mitigation measures that will be conditioned as part of the determination process.

It is also noted that there is further potential to reduce non-operational period effects beyond those assessed. In particular, the operational period of the Dochfour Weir upgrade could in principle be extended beyond the 1 May to 30 September window assessed, which would further reduce the period during which PSH-related flow variations arise in the River Ness. Additionally, partial operation of the Dochfour Weir upgrade during what is currently the non-operational period has been considered and modelling of a 55% winter operation case indicates this could reduce the rate of change parameter (E1) below 5 cm/h, established as the threshold representing no hydropeaking under the Bakken framework. These represent further available measures within the design envelope that have not been relied upon in the current assessment. The development of such arrangements would be a matter for the Water Management Board, in consultation with NDSFB and other stakeholders, as part of the adaptive management framework.

3.2 Published Literature on Hydropeaking

The published literature cited by NDSFB relates primarily to systems where unmitigated flow fluctuations are passed downstream. During the operational period, the Dochfour Weir upgrade is designed to remove the impact of PSH flows on the downstream River Ness. During the non-operational period, some flow variation arises, but the Hydropeaking Assessment - carried out in accordance with the Bakken et al. (2023) classification framework and informed by consultation with Atle Harby, the lead author - concludes that the total impact is Small (Green).

The references to Hayes et al. (2019) within the NDSFB representation relate to the same body of knowledge underpinning the Bakken et al. framework. The Hydropeaking Assessment addresses these effects in a systematic, quantitative manner appropriate to the specific circumstances of the Proposed Development.

3.3 Flow Propagation and Buffering (Paragraph 5.1.3)

It is important to distinguish between the buffering provided by Loch Ness and the buffering capacity of the River Ness itself. Loch Ness, as a large body of water, provides substantial attenuation of flow variations arising from pumped storage operations – a beneficial effect that is acknowledged, but not taken account of directly, in the Hydropeaking Assessment. The River Ness, by contrast, has limited natural buffering capacity, with minimal contributing catchment and few significant tributaries between Dochfour Weir and the lower reaches. This is precisely why the Dochfour Weir upgrade forms a key part of the design - to ensure that any fluctuations in outflow from Loch Ness associated with pumped storage operations are managed at source.

The flows from the Ness Weir form the majority of flows in the River Ness, and the Dochfour Weir upgrade addresses fluctuations at the point of discharge from Loch Ness. The River Oich example is not directly comparable: it concerns a different hydrological setting, a different storage configuration, and an operational arrangement in which no equivalent at-source mitigation is in place. It does not provide a meaningful analogue for the assessment of the Proposed Development.

3.4 Winter Flows and Low Summer Flow Comparison (Paragraph 5.1.4)

The statement in paragraph 5.1.4 was not intended to suggest that modelled winter levels could never fall below isolated low summer levels on an absolute basis. The model outputs demonstrate that flows in the River Ness remain within the range of baseline variability and are not indicative of a systematic shift to persistently lower flows.

For the non-operational period, the Hydropeaking Assessment provides a quantitative assessment of the lowest weekly average flows (vulnerability parameter V3), which demonstrates that reductions range from 1% to 28.7%, falling within the "No or weak bottleneck" category under the Forseth and Harby (2014) classification. This corresponds to a Low (value 1) score.

3.5 Spring Flows and Smolt Migration

It is proposed by the Applicant that the Dochfour Weir upgrade is proposed to operate over the period including May (1 May to 30 September) and is designed to remove the impact of PSH flows on the downstream River Ness during that period, including the critical smolt migration period. The Proposed Development scheme does not reduce natural outflows from Loch Ness during the

operational period and therefore does not introduce a mechanism by which material reductions in flow would affect smolt passage.

The assessment conclusions are further supported by additional mitigation measures, including improvements to fish passage at Dochfour Weir, measures to reduce smolt loss to the Caledonian Canal (an issue known to contribute to low smolt survival), and a coordinated Fisheries Management Plan involving all stakeholders, with the specific intention of improving migratory success of salmon in the catchment.

The relationship between the non-operational and operational periods is addressed further at Section 2.4 above.

3.6 Loss of Natural Variability and Summer Spates

The Dochfour Weir upgrade is designed to remove the impact of pumped storage hydro on the downstream River Ness during the operational period, and is not designed to restrict natural outflows from Loch Ness. Subject to the operation of the Dochfour Weir upgrade and the wider managed system, natural inflows and outflows, including spate events, continue to govern downstream conditions. The scheme operates by temporarily storing and releasing water within the wider system; it does not create or remove water from the system.

3.7 Summary Response – Atlantic Salmon

The Applicant's assessment, both within the EIAR and through the subsequent Hydropeaking Assessment, concludes that the Proposed Development will not result in significant effects on Atlantic Salmon. During the operational period (1 May to 30 September), the Dochfour Weir upgrade is designed to remove the impact of PSH flows on the downstream River Ness. During the non-operational period (1 October to 30 April), the quantitative assessment undertaken in accordance with the Bakken et al. (2023) framework concludes a Small (Green) total impact.

This conclusion is further supported by the proposed fisheries mitigation package, including improved fish passage at Dochfour Weir, measures to address smolt loss to the Caledonian Canal, and the Fisheries Management Plan.

The Applicant also notes that the assessment does not rely on the full range of available mitigation options, including potential extension of the Dochfour Weir upgrade operational period and partial winter operation. These could be developed through the Water Management Board in consultation with NDSFB, whose engagement in that process the Applicant would welcome.

The assessment concludes no residual significant effect on Atlantic Salmon across all assessed life stages.

4. Aquatic Ecology – Loch Ness Macroinvertebrate Survey Update

4.1 Assessment of Shoreline Species Susceptibility to Drawdown

The assessment of effects on marginal habitats in Loch Ness and the aquatic macrophyte and macroinvertebrate species they support has been informed by additional surveys and a detailed literature review. The updated survey found in Additional Information 4b. Aquatic Ecology – Loch Ness Macroinvertebrate Survey update set now comprises 12 representative sampling locations around Loch Ness, selected to provide coverage comparable to established baseline studies. It is

inevitably the case for under-studied species that there is limited published literature on the potential effects of loch drawdown and fluctuations in water levels; however, a targeted review of the available relevant literature has been undertaken.

The additional surveys identified no additional notable species and no new non-native species. While additional taxa were recorded, these are considered tolerant of water level fluctuations, and the overall assessment conclusion remains unchanged.

The conclusions of the impact assessment are based on the shoreline assemblage recorded, including the species identified, their ecological characteristics, their status where relevant, and their importance in the geographic context in which they occur. On this basis, and in line with CIEEM guidelines for ecological impact assessment, the residual effects are assessed as not significant.

The assessment has been made on the basis of the modelled operational regime and within the operational limits (in terms of loch levels) committed to by the scheme.

4.2 Caddisfly Species Grouping (Paragraph 6.3.7)

The Applicant notes that information regarding species tolerance to loch drawdowns has been sought as part of the assessment. The assessment applies ecological grouping approaches on the basis of relevant biological and ecological characteristics, including habitat association and likely response to fluctuating water levels, rather than treating all species as identical. The conclusions of the impact assessment are based on the shoreline assemblage recorded, assessed against the committed operational limits in terms of loch level range and rate of change. Where species-specific literature is limited, this is acknowledged, and the assessment necessarily proceeds on the basis of the best available evidence.

4.3 Survey Site LN1 – Proximity to River Foyers

The presence of species associated with running water at site LN1 is a valid finding and reflects the influence of the adjacent tributary input. The site was considered and interpreted in that context, and not in isolation as the sole basis for conclusions on general Loch Ness shoreline ecology. Species associated with tributary inflows would in any event be less susceptible to loch-level drawdown, and the results from LN1 were assessed accordingly within the wider dataset.

4.4 Summary Response – Macroinvertebrates

The impact assessment for Loch Ness shoreline ecology has been conducted in accordance with CIEEM guidelines, informed by additional survey work and a thorough review of available literature. The conclusions are based on the species identified and their importance in geographic context, assessed against the committed operational limits of the scheme. The updated dataset does not alter the previously reported conclusion of negligible effect.

5. Overall Summary

The Applicant has given careful consideration to the matters raised by NDSFB in their representation dated 14 September 2025 and received by the Energy Consents Unit on 14 October 2025.

On hydrology, the Proposed Development does not convert the River Ness into a hydropeaking system of the kind described. During the operational period, the Dochfour Weir upgrade is designed

to remove the impact of PSH flows on the downstream River Ness; during the non-operational period, the Hydropeaking Assessment concludes a Small (Green) total impact under the Bakken et al. (2023) framework. The Additional Information submitted in July and September 2025 are derived from the same hydrological model and, read together, are internally consistent with the design intent of the scheme. The transition between non-operational and operational states is addressed above.

On Atlantic Salmon, the assessment has been undertaken in accordance with recognised methodologies and concludes no significant effects across the assessed life stages. This conclusion is supported by a comprehensive mitigation package including improved fish passage at Ness Weir, measures to address smolt loss to the Caledonian Canal, and the Fisheries Management Plan.

On Loch Ness shoreline ecology, the assessment has been carried out in accordance with CIEEM guidance and informed by additional survey work; the updated information does not alter the conclusions previously reported.

The Applicant is satisfied that the points raised by NDSFB have been appropriately addressed within this response and the wider Additional Information package, and that the conclusions of the assessment remain sound.