

PE2109/E: Halt any further pump storage hydro schemes on Scottish lochs holding wild Atlantic salmon

Scottish Government written submission, 23 May 2025

Additional questions from the Public Petitions Committee

The Committee is keen to understand whether the Scottish Government is assured that PSH schemes are not having a significant impact on wild Atlantic salmon; and also, to understand how the Scottish Government's policy on PSH schemes is informed by the Scottish Wild Salmon Strategy.

The Committee would also like to know whether the Scottish Government is confident that the planning system can adequately assess the cumulative impact, if there were to be a number of approved PSH schemes.

Scottish Government Response to the further questions raised by the Committee

Consent under section 36 of the Electricity Act 1989 ('the Act') is required to construct and operate generating stations including PSH generating stations where the installed capacity when constructed will be in excess of 50MW. Applications for consent are assessed and determined on a case-by-case basis, taking into account the provisions of the Act, all applicable legislation, and all other material considerations.

The Scottish Government considers that the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA regulations) provide a robust framework for assessing the likely significant impacts of PSH proposals on wild Atlantic salmon, and for ensuring that the Scottish Ministers are capable of reaching a reasoned conclusion on the likely significant effects of the development before a decision on a section 36 application is made.

The EIA regulations provide that EIA reports submitted by applicants for section 36 consent to construct or operate generating stations, including PSH generating stations, must be prepared by competent experts. EIA reports must identify, describe and assess the likely significant effects of any proposed PSH development on all relevant factors of the environment, including on any such effects on wild Atlantic salmon. EIA reports must contain a description of any likely significant cumulative effects of a PSH with other existing or approved development. The EIA regulations therefore require that an application under section 36 for construction and operation of a PSH generating station, at a given location, must consider the operational, or consented, PSHs with which it may have combined effects. Such combined effects would include any ecological effects or effects on wild Atlantic salmon, if such effects are relevant to the application. EIA reports are consulted upon widely, with statutory and other bodies with environmental competencies. The Scottish Ministers may not conclude the EIA process until a reasoned conclusion may be reached as to the likely significant effects, including the cumulative effects, of the proposed

development on the environment. This conclusion may rely on the imposition of conditions to secure environmental mitigation measures.

A decision to give consent under section 36 is not wholly dependent on there being a conclusion at the end of an EIA process that there are no significant adverse environmental effects. The EIA regulations, and the EU directive from which they originate, envisage that for large infrastructure projects significant environmental effects are more likely to occur. The EIA regulations require however that Ministers must determine the application in the knowledge of what significant effects are likely to occur, in consideration of any mitigation measures forming part of the development or to be secured by conditions of any consent. Consideration of any likely significant effects, at the conclusion of the EIA process, then forms part of the planning balance.

National Planning Framework 4 (NPF4) is a key policy consideration in the determination of applications under section 36. NPF4 places climate and nature at the centre of our planning system and makes clear our support for all forms of renewable, low-carbon and zero emission technologies, including pumped storage hydro schemes. Potential impacts on communities and nature, including the cumulative effects of developments, are important considerations in the decision-making process. All applications are subject to site-specific assessments, including environmental impact assessment (EIA) where applicable. NPF4 sets out the Scottish Government's support for all forms of renewable, low-carbon and zero emissions technologies, including energy storage, such as pumped storage hydro. NPF4 also designates PSH which meet relevant and applicable criteria as a national development.

Directorate for Energy and Climate Change