MARINE HARVEST ASA

Victoria Bell, 375 Victoria Rd, Aberdeen AB11 9DB

28.04.2016

Marine Harvest Feed Mill Screening Scoping Opinion, Allt Anavig Quarry, Isle of Skye

Dear Ms Bell,

Further to our recent discussions regarding Marine Harvest's proposals to build a fish feed mill at Allt Anavig Quarry, the company now requests a screening and scoping opinion from Marine Scotland.

The facility would create around 55 new full time jobs and the potential to encourage a variety of indirect employment and spending throughout the local area and West Coast of Scotland. This project represents an £80 million investment in Marine Harvest's Scottish business unit.

Plans of the site accompany this request and show the boundary for this application and a draft of the proposed facility design. Also attached to this letter is a proposal summary document which provides detail on the plans to date.

This submission represents the start of the company's marine license application process. If any further information is required to allow Marine Scotland to carry out the screening and scoping procedure then please do not hesitate to contact me on the contact details below.

Yours sincerely

[redacted]

David Biggin

Environmental Analyst, Marine Harvest (Scotland) Ltd
Tel: 01397 715071 E:david.biggin@marineharvest.com

Marine Harvest Feed Mill Proposal Summary

Overview

Marine Harvest proposes to build a fish feed mill at Allt Anavig Quarry, Isle of Skye. This project represents an £80 million investment in Marine Harvest's Scottish business.

The facility would create around 55 new full time jobs and, based on experience of a similar plant in Norway, has the potential to encourage a variety of indirect employment and spending throughout the local area and West Coast of Scotland.

Marine Harvest's farms in Scotland have until now been supplied with feed from third party companies based on the east coast or central belt of Scotland. However, developing the capacity for feed production has a number of benefits. Firstly, it will make the business more efficient and sustainable in the long term. The intention is that this development will provide complete supply to all of Marine Harvest Scotland's fish farms, as well as export to Marine Harvest farms in Ireland, Norway and the Faroe Islands. Secondly, it allows the business to more closely control the whole process of growing salmon. Thirdly, by moving production to the west coast, the feed supply will be far closer to the fish farms and this reduces the overall mileage required for product transport. And finally, the seaside location allows for raw materials for the feed to be delivered directly by sea which significantly reduces the need for road transport.

Site Choice and Layout Zones

A number of sites were considered for this development, however Allt Anavig Quarry has been chosen as by far the most suitable as it meets the following criteria:

- Seaside land availability with a suitable lease or buy arrangement
- Ability to allow access for vessels of 100m in length
- Proximity to the company's fish farms
- Accessible and affordable electricity supply
- Freshwater supply
- Road transport links
- Zoned for industrial use – brownfield site

The site will comprise the following zones:

- Pier for raw material delivery and final product distribution
- Raw material storage silos
- Processing plant
- Product storage and packaging area
- Access, car parking, deliveries and loading

Project Timescale

Appplications for planning permission and a marine license will be made concurrently. If successful the proposed date for starting construction would be early 2017, with a view to having a fully operational feed mill by late 2018.

Environmental Impact Assessment Overview

There are a number of considerations which will need to be addressed in further detail within an environmental impact assessment (EIA). These potential impacts include:

- Landscape and visual
- Socio-economic
- Marine interactions (including water column and benthic ecology)
- Traffic and transport
- Noise
- Air quality and odour
- Terrestrial ecology
- Hydrology and geology
- Waste disposal

Landscape and Visual

A chartered Landscape Architect will be commissioned to perform a full Landscape and Visual Impact Assessment comprising:

- Creation of a zone of theoretical visibility
- Identification of key viewpoints
- Creation of wirelines and photomontages
- Assessment of impacts
- Discussion of potential mitigation options

Socio-economic

The EIA will consider various social and economic interactions between the proposed facility and the surrounding area including:

- Employment
- Additional direct economic inputs
- Indirect economic inputs
- Construction
- Social
- Tourism
- Interactions with other industries

Marine Interactions (Including Water Column and Benthic Ecology)

The seabed adjacent to the proposed facility forms part of a Marine Protected Area and survey work has been carried out to assess the proximity of protected features to the proposed development. Further work will include:

- Additional discussions with Scottish Natural Heritage, Marine Scotland and SEPA to establish survey work methodologies
- Consideration of potential impacts of both construction and operational phases
- Consideration of potential impacts from boat traffic
- Consideration of potential interactions with the nearby SAC for reefs
- Assessment of impacts upon marine mammals
- Assessment of impact upon benthic populations, particularly flame shell clams

Traffic and Transport

The impact of any increases in traffic flows associated with the proposed development and its construction activities will be assessed in relation to the thresholds provided within the IEMA (2005) Guidelines for the Environmental Assessment of Road Traffic.

To establish the scope of survey work required, consultation will be undertaken with the Highland Council and, where relevant, Transport Scotland and BEAR Scotland. These parties may also be able to provide baseline traffic data as part of the survey, which will include:

- Site visits to inspect proposed access arrangements and existing road features
- Quantification of construction and operations traffic
- Identification of any traffic and transport issues
- Development of mitigation measures, if required
- Consideration of a Construction Traffic Management Plan (CTMP)

Noise

Potential noise impacts will be considered for both the construction and operational phases of the development. Key areas of an assessment will be:

- Collection of baseline data
- Identification of potential noise sources and their key characteristics
- Identification of potential noise-sensitive receptors
- Consideration of potential magnitude of noise at sensitive receptors
- Consideration of potential mitigation measures

Air Quality and Odour

The assessment of the potential air quality and odour impacts will be carried out in accordance with, or with reference to, guidance produced by, the Scottish Government, Scottish Environment Protection Agency (SEPA) and other relevant UK regulatory and professional bodies. The assessment process will include:

- Consultation with the Highland Council's Environmental Health Service
- A desk based review of baseline air quality gathered from publicly available data
- Assessment of potential dust impacts and other emissions during the construction phase
- Identification of any potential emissions from the operational feed mill
- Development of odour and air quality mitigation measures

Terrestrial Ecology

A terrestrial ecology assessment will be carried out and will include:

- Discussion with SNH regarding scope of study
- Site survey to establish sensitivity of species present
- Evaluation of whether sensitive species would be impacted
- Consideration of potential mitigation measures, if required

Hydrology and Geology

The hydrological and geological assessment will ascertain the potential impacts of the proposed development on the surface and ground water environment:

- Flood risk assessment (FRA)
- Drainage assessment (SUDS)
- Impacts on soils and geology
- Requirements for abstraction and discharge of water
- Storage facilities for materials and substances
- Contingency for spillages

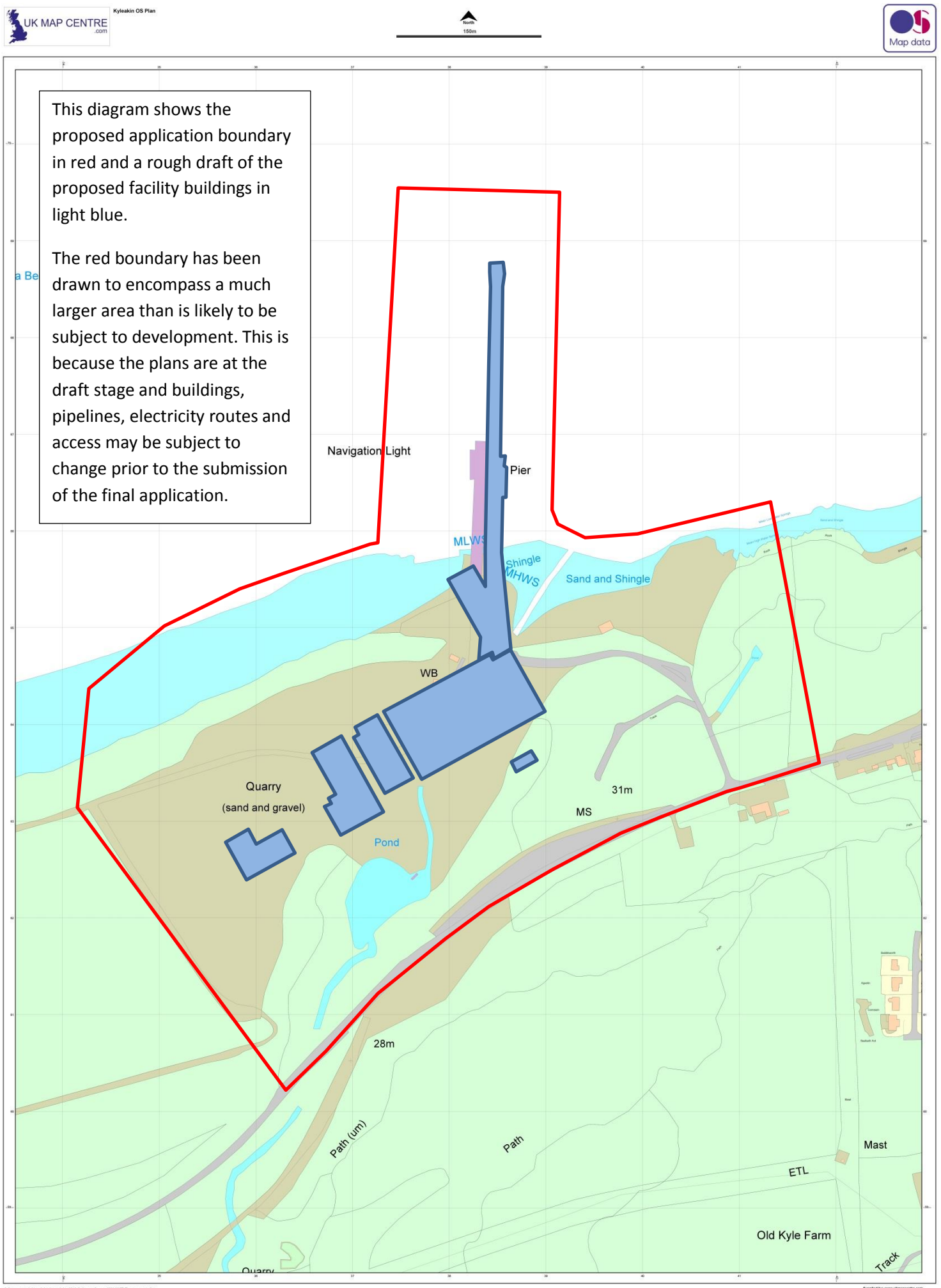
Waste Disposal

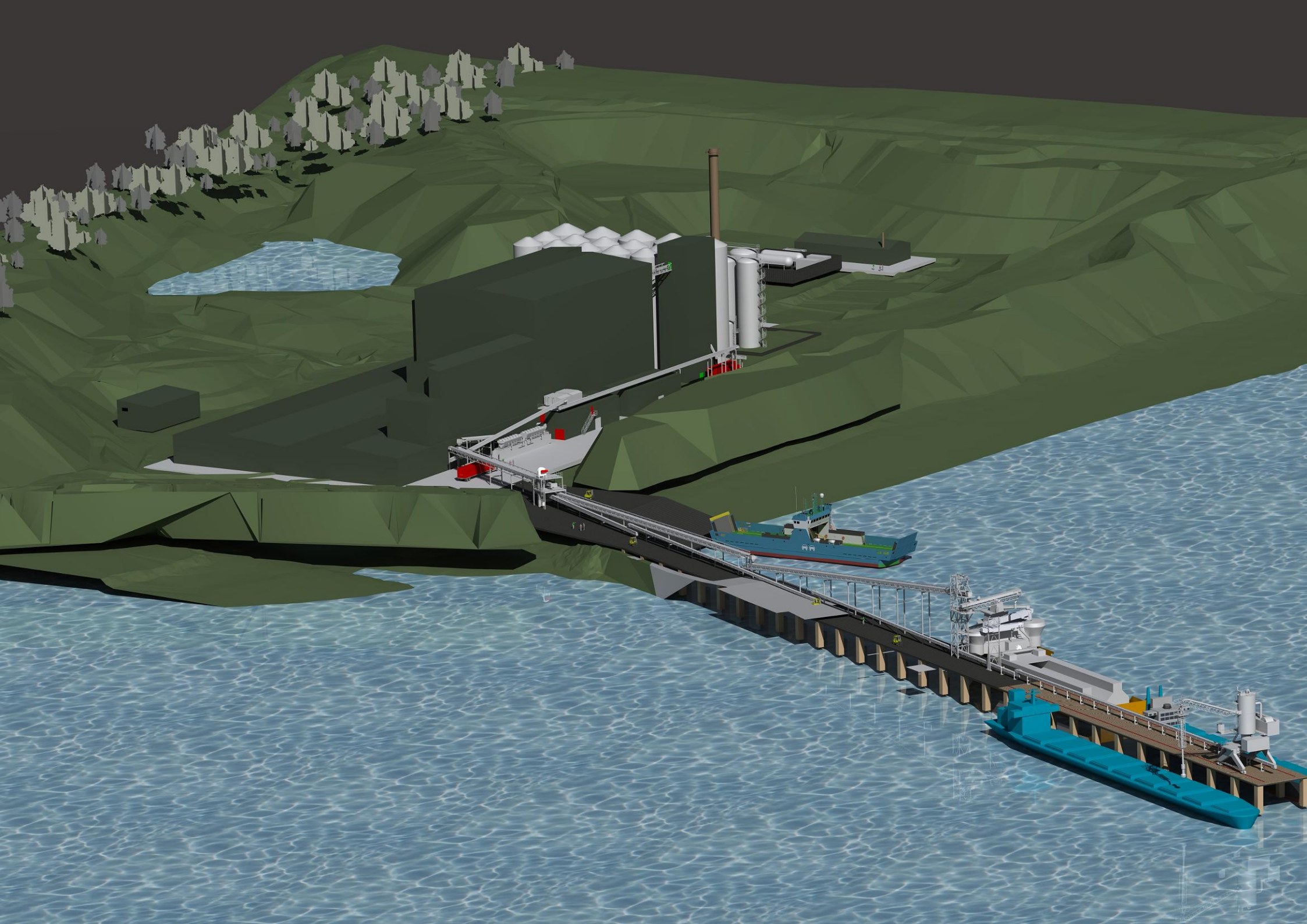
The EIA will provide information on how materials will be re-used or recycled, and where relevant an appropriate route for waste disposal will be detailed. All raw material components of the fish feed will be utilised in the feed manufacturing process.

Marine Harvest Allt Anavig Feed Mill

Screening Scoping Planning Boundary Plan

Scale 1:5000





MARINE HARVEST (SCOTLAND) LTD
FEED MILL FACILITY
ALLT ANAVIG QUARRY, KYLEAKIN, ISLE OF SKYE

Marine Scotland - Licensing Operations Team
Screening and Scoping Opinion

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

SCREENING AND SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATIONS FOR MARINE CONSTRUCTION AND DREDGING

Contents

1. Screening and Scoping Opinion Request

I refer to your email of 28 April 2016 requesting a screening and scoping opinion from Marine Scotland - Licensing Operations Team ("MS-LOT") under Regulations 11 and 13 and Schedules 2 and 4 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (herein referred to as "the EIA Regulations"). The request was accompanied by a Proposal Summary, which included a brief description of the nature and purpose of the proposed development and of its possible effects on the environment, along with a plan sufficient to identify the site which is the subject of the proposed development.

Under the EIA Regulations, the appropriate authority (in this instance, MS-LOT acting on behalf of the Scottish Ministers) are required to consider whether any proposal is likely to have a significant effect on the environment and must determine that an EIA is required in relation to any regulated activity that is to be carried out in the course of an Annex I (Directive 85/337/EEC, herein referred to as "the EIA Directive") project.

In regards to your screening opinion request, the works proposed fall within Annex I, Section 8(b) of the EIA Directive, therefore MS-LOT have determined that an EIA is required.

In regards to your request for a scoping opinion, MS-LOT have, in accordance with the EIA Regulations, considered the documentation provided to date (including the revised plans submitted on 26 May 2016) and consulted with the appropriate consultation bodies in reaching their scoping opinion.

Please note that the EIA process is vital in generating an understanding of the biological and physical processes operating in and around the proposed development site and those that may be impacted by the proposed works. It is therefore expected that these processes will be fully assessed in the required Environmental Statement ("ES").

2. Description of development

Marine Harvest (Scotland) Ltd propose to develop a Feed Mill Facility at Allt Anavig Quarry, Kyleakin, Isle Of Skye. The proposals include terrestrial and marine development therefore planning permission and marine licence(s) are required. The marine aspects of the development include construction of a pier extension, associated capital dredge and land reclamation. It is MS-LOT's understanding that The Highland Council have already undertaken a scoping process in regards to the terrestrial planning aspects of the development. MS-LOT have undertaken a scoping process in regards to the marine aspects of the development.

3. Aim of Scoping Opinion

Scoping provides the first identification, and likely significance, of the environmental effects and the information needed to enable their assessment. The scoping process is designed to identify which issues will or will not need to be addressed in the forthcoming EIA. This includes the scope of issues to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input into the EIA process, to identify what may be required to be addressed and to supply information that could be pertinent. In association with any comments herein, full regard has been given to the information contained within the scoping opinion request documentation submitted.

The Proposal Summary submitted indicates that the following factors require to be considered in the EIA:

- Landscape and visual
- Socio-economic
- Marine interactions
- Traffic and transport
- Noise
- Air quality and odour
- Terrestrial ecology
- Hydrology and geology
- Waste disposal

The scoping exercise has concluded that the following aspects are subsequently scoped in to the marine aspects of the EIA:

- Landscape and visual
- Socio-economic
- Marine interactions
- Traffic and transport
- Noise
- Waste disposal

MS-LOT consider the following aspects to be outwith the regulatory remit of Marine Scotland:
Air quality and odour
Terrestrial Ecology
Hydrology and Geology (terrestrial)

MS-LOT therefore have no comment to make regarding these aspects.

4. Consultation

On receipt of the scoping opinion request documentation, MS-LOT, in accordance with the EIA Regulations, initiated a 28 day consultation process, which commenced on 29 April 2016**.** The following bodies were consulted:

- Scottish Natural Heritage ("SNH")
- Scottish Environment Protection Agency ("SEPA")
- Maritime and Coastguard Agency ("MCA")
- Northern Lighthouse Board ("NLB")
- Association of Salmon Fishery Boards
- British Shipping
- UK Chamber of Shipping
- The Crown Estate
- Defence Infrastructure Organisation ("DIO")
- Health and Safety Executive
- Historic Environment Scotland
- West Coast Inshore Fishery Group
- The Highland Council
- Marine Safety Forum
- Royal Yachting Association
- Royal Society for the Protection of Birds
- Scottish Fishermen's Federation

- Scottish Fishermen's Organisation
- Scottish Wildlife Trust
- Transport Scotland
- Whale and Dolphin Conservation
- Kyle Community Council
- Portree Fishery Office
- Marine Scotland Science
- Marine Planning & Policy
- Visit Scotland
- Skye District Salmon Fishery Board
- Scottish Water
- Hebridean Whale and Dolphin Trust

From the list above a total of 7 responses were received. The purpose of the consultation was to obtain advice and guidance from each consultee in respect of the aspects they consider should be scoped in or out of the EIA.

MS-LOT are satisfied that the requirements for consultation have been met in accordance with the EIA Regulations. The sections below note the issues which, in MS-LOT's opinion, are of particular importance with regards to the ES and any subsequent marine licence application(s).

For detailed requirements, please refer to the consultation responses attached in Annex 1. MS-LOT expects all consultee concerns to be addressed in the ES unless otherwise stated.

5. Contents of the Environmental Statement

In regards to the information to be included in an ES please refer to Schedule 3 of The EIA Regulations.

Format

A hard copy of the ES should be submitted along with a user-friendly PDF version which can be placed on The Scottish Government website.

It is considered good practice to set out within the ES the qualifications and experience of all those involved in collating, assessing or presenting technical information. A description of the methodology used in assessing all impacts should also be included.

Non-Technical Summary ("NTS")

This should be a concise stand-alone document written in a manner that is appealing to read and easily understood. The NTS should summarise the key points set out in the ES and should include:

- A description of the project including a map and figures as appropriate
- A description of the main effects which the project is likely to have on the
- A description of the measures envisaged to prevent, reduce and offset any significant adverse effects, and;
- An outline of the main alternatives studied, including an indication of the main reasons for the primary choice of the project, taking into account the environmental effects of those alternatives and the project as proposed.

Mitigation

MS-LOT welcome the commitment made in your Proposal Summary to identify mitigation measures in order to avoid, minimise or reduce any adverse impacts. Please note that the range of mitigation options considered in the ES should be informed by the EIA process along with any input from the relevant nature conservation bodies. MS-LOT therefore advises that contact is established and maintained with these bodies throughout the EIA process in order to ensure that effective mitigation measures are identified.

Within an ES it is important that all mitigating measures are:

- Clearly stated
- Fully described with accuracy
- Assessed for their environmental effects
- Assessed for their effectiveness
- Their implementation should be fully described
- How commitments will be monitored
- If necessary, how they relate to any consents or conditions

Please refer to Annex 1 for consultee comments on specific baseline assessment and mitigation.

Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- The work has been undertaken
- What this has shown i.e. what impact if any has been identified
- Why it is not significant

Design Envelope

Where flexibility is required the ES should define the alternatives or ranges within which parameters might fall and should clearly state the reasoning for requiring such flexibility, the criteria for selecting the worst case scenario and the impacts which would arise from such a scenario. Details of the most likely scenario and impacts arising from this should also be provided. Please note that when considering the application, judgment will be based on the worst case scenario. It is expected that the EIA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement ("CMS") to be provided before works commence. Submission of the CMS will 'freeze' the design of the project and will be assessed by MS-LOT to ensure that its parameters fall within the range considered within the ES.

6. Marine Planning

Major project development should be in accordance with the UK Marine Policy Statement and Scotland's National Marine Plan ("NMP").

The UK Marine Policy Statement 2011 – The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets

out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

Scotland's NMP 2015 – Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the NMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorization and enforcement decisions, or any other decision that affects the marine environment, in accordance with the NMP. The NMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan.

MS-LOT expects the ES to demonstrate that relevant consideration has been given to the above marine policy documents.

7. Ecology, Biodiversity and Nature Conservation

Please refer to Annex 1 for specific comments from advisors on ecology, biodiversity and nature conservation.

The ES should demonstrate that relevant wildlife legislation and guidance has been taken into account, including:

- Marine (Scotland) Act 2010
- Council Directive 92/43/EEC on The Conservation of Natural Habitats and of Wild Flora and Fauna
- Directive 2009/147/EC on the Conservation of Wild Birds Wildlife & Countryside Act 1981
- Nature Conservation (Scotland) Act 2004
- Wildlife and Natural Environment (Scotland) Act 2011
- Conservation (Natural Habitats, &c.) Regulations 1994
- Conservation of Habitats and Species Regulations 2010
- Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007
- Marine Scotland – The Protection of Marine European Protected Species from Injury and Disturbance – Guidance for Inshore Waters (2014)
- The Protection of Seals (Designation of Seal haul-Out Sites) (Scotland) Order 2014,
- Marine Protected Areas (MPA)
- The Scottish Biodiversity Strategy and associated Implementation Plans

<u>Habitats Regulations Assessment ("HRA") Screening</u>

As issues in relation to HRA have been raised during the scoping consultation process (please refer to Annex 1), HRA screening should be considered prior to application submission. This will allow advice to be given in greater detail regarding the protected sites and qualifying interests to be considered within the required HRA report.

<u>Species Protection</u>

European Protected Species ("EPS") are animals and plants (species listed in Annex IV of the Habitats Directive) that are afforded protection under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). All cetacean species (whales,

dolphins and porpoise) are EPS. If any activity is likely to cause disturbance or injury to an EPS, a licence is required to undertake the activity.

A licence may only be granted to undertake such activities if the following strict criteria are met:

- There is a licensable purpose.
- There are no satisfactory alternatives.
- The actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the guidance on the protection of marine European Protected Species for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following any grant of consent once construction methods have been finalized, however it is useful to include a shadow EPS assessment within the ES.

Species on Schedules 5 (animals), e.g. basking sharks, and 8 (plants) of the Wildlife & Countryside Act 1981 are protected against intentional or reckless disturbance or harassment and should be given due consideration within the ES along with Marine Protected Area (MPA) species/habitats.

8. Water Environment

SEPA, as a statutory consultee under the EIA Regulations, encourages pre-application engagement to help the development process in order to minimize the risk of modifications later in the application process and avoidable delays or objections.

SEPA is the regulatory body responsible for the implementation of The Controlled Activities Regulations (CAR). Further information specifically in relation to the water environment and SEPA's water related regulations can be found at http://www.sepa.org.uk/regulations/water/.

Developers are strongly advised at an early stage to consult with SEPA to identify 1) if a CAR licence is necessary and 2) clarify the extent of the information required by SEPA to assess fully any licence application.

Construction contractors may be unaware of the potential for impacts such as those listed below but, when proper consultation with the local fishery board is encouraged at an early stage, many of these issues can be averted or overcome.

- increases in silt and sediment loads resulting from construction/dredging works.
- point source pollution incidents during construction.
- obstruction to upstream and downstream migration both during and after construction.
- disturbance of spawning beds during construction - timing of works is critical.
- drainage issues.
- seabed and land contamination

The Water Framework Directive ("WFD") was introduced in 2000 to establish systems to manage Europe's water environment - rivers, lochs, estuaries and coastal waters. A WFD assessment should be provided to support your application. Further information on the WFD can be found at:

http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32000L0060&from=EN

The ES should identify the location of, and protective/mitigation measures in relation to, all private water supplies within the catchments impacted by the scheme, including modifications to site design and layout.

Developers should also be aware of available Construction Industry Research and Information (CIRIA) guidance on the control of water pollution from construction sites and environmental good practice (www.ciria.org). Design guidance is also available on river crossings and migratory fish (The Scottish Executive consultation paper, 2000) at: http://www.gov.scot/Topics/marine/science/Publications/publicationslatest/rivercrossings.

Please refer to SEPA's specific scoping comments within Annex 1.

9. Archaeology and Cultural Heritage

General Principles

The ES should address the predicted impacts on both the marine historic environment and the potential for the onshore impacts of terrestrial elements of the development. It should also describe the mitigation proposed to avoid or reduce impacts to a level where they are not significant. Historic environment issues should be taken into consideration from the start of the site selection process and as part of the alternatives considered.

Codes of practice relating to heritage and seabed development;

- JNAPC Code of Practice for seabed development - http://www.jnapc.org.uk/jnapc_brochure_may_2006.pdf
- British Marine Aggregates Producers Association protocols for archaeological discoveries - http://www.wessexarch.co.uk/projects/marine/bmapa/index.html

National policy and advice for the historic environment is set out in:

- The NMP - http://www.gov.scot/Publications/2015/03/6517
- SPP - http://www.gov.scot/Topics/Built-Environment/planning/Policy
- The Scottish Historic Environment Policy (SHEP) – http://www.historic-scotland.gov.uk/shep-dec2011.pdf
- Planning Advice Note 02/2011 Planning and Archaeology (PAN 02/2011) - http://www.scotland.gov.uk/Resource/Doc/355385/0120020.pdf

The Scottish Minister's policies for the historic environment are set out in paragraphs 110 – 124 of the Scottish Planning Policy (2014) and paragraphs 4.20 – 4.25 of the NMP. Amongst other things, SPP stresses that scheduled monuments should be preserved in situ and within an appropriate setting and states that developments must be managed carefully to preserve listed buildings and their settings to retain and enhance any special architectural or historic features of interest. Further information on setting can be found in the following document: Managing Change in the Historic Environment (http://www.historic-scotland.gov.uk/setting-2.pdf). Impacts on undesignated aspects of the historic environment should also be taken into account as part of any EIA.

Historic Environment Scotland recommend that you engage a suitably qualified archaeological/historic environment consultants to advise on, and undertake, the detailed assessment of impacts on the historic environment and advise on appropriate mitigation strategies.

Baseline Information

Information on the location of all archaeological/historic sites held in the National Monuments Record of Scotland, including the locations and, where appropriate, the extent of scheduled monuments, listed buildings and gardens and designed landscapes can be obtained from www.PASTMAP.org.uk

Data on scheduled monuments, listed buildings, Inventory gardens and designed landscapes, historic battlefields and properties in the care of Scottish Ministers can also be downloaded from Historic Scotland's Data Services website:

http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2000:10:3234826639166657.

Information about undesignated marine heritage assets is available from the NMP Interactive website:

https://marinescotland.atkinsgeospatial.com/nmpi/default.aspx?availablelayer=118

Guidance on setting is available at: www.historic-scotland.gov.uk/managingchange

10. Socio-Economic Benefit

The concept of economic benefit as a material consideration is explicitly confirmed in the NMP and in SPP. GEN 2 and GEN 3 of the NMP encourage economic and social benefit (respectively) to Scottish communities when consistent with the objectives and policies of the Plan. This fits with the priority of The Scottish Government to grow the Scottish economy. The ES should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development.

11. Navigation

The ES should include the following details on the possible impact on navigation for both commercial and recreational craft:

- Collision risk
- Navigational safety
- Visual intrusion and noise
- Risk management and emergency response
- Marking and lighting requirements
- Information to mariners
- Effect on small craft navigational and communication equipment
- Weather and risk to recreational craft which lose power and are drifting in adverse conditions
- Evaluation of likely squeeze of small craft into routes of larger commercial vessels

Please refer to the specific scoping comments received from MCA, NLB and DIO in regards to navigation concerns within Annex 1.

12. General Advice

Publicity

Where an application and ES has been submitted to the Scottish Ministers in respect of a project, the developer must publicise their proposals in accordance with Regulation 16 of the EIA Regulations. Information and guidance, including the specific details of the notices to be

placed in the press, can be obtained from MS-LOT.

Requirement for Public Pre-application Consultation ("PAC")

From 6th April 2014, applications received for certain activities are subject to a public pre-application consultation requirement. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. The new requirement will allow those local communities, environmental groups and other interested parties to comment on a proposed development in its early stages, before an application for a marine licence is submitted.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via:

http://www.legislation.gov.uk/ssi/2013/286/made

Guidance on Marine Licensable Activities subject to Pre-application Consultation can be obtained at:

http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/preappconsult

The licensing authority reserves the right not to accept an application in the absence of an acceptable PAC report.

Gaelic Language

Where developments are located in areas where Gaelic is spoken, it is considered good practice to publicise the project details in both English and Gaelic.

Pre-Dredge Sampling

Please note that if it is intended to dispose of any dredged material at sea, adequate pre-dredge sample analysis must be submitted in support of the ES and marine licence dredging application. The licensing authority reserves the right not to accept an application in the absence of acceptable sediment analysis data.

Please refer to the pre-dredge sampling guidance provided in Annex 3.

Ordinance Survey ("OS") Mapping Records

Developers are requested at application stage to submit a detailed OS plan showing the site boundary and location of all proposed works in a format compatible with The Scottish Governments Spatial Data Management Environment ("SDME"), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

Application and ES

Within Annex 2 a scoping checklist template is provided to assist in the consideration and collation of the relevant ES information. MS-LOT expect this template to be completed by the applicant and submitted in support of their application. In advance of publicising the application, developers should be aware that the checklist will be used by the licensing authority to carry out a gate check before the application is officially accepted. An EIA audit will also be carried out as part of that gate check. If information requested at scoping stage is found not to have been provided in the ES then the applicant may be asked to provide that information before the application is accepted.

Consent Timescale and Application Quality

This scoping opinion is specifically designed to improve the quality of advice provided to developers and thus reduce the risk of further information being requested which could be subject to additional publicity and consultation processes, resulting in delays to the consenting process.

Developers are advised to consider all aspects of this scoping opinion when preparing a formal application to reduce the need to submit further information in support of the application. The consultee comments presented in this opinion are designed to offer an opportunity to consider all material issues relating to the development proposals.

MS-LOT administers the licensing function under Part 4 of the Marine (Scotland) Act 2010 ("the Act") on behalf of the Scottish Ministers. Under the Act, licensable marine activities include:

- Depositing any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from a vehicle, vessel, aircraft, marine structure or a container floating in the sea
- Scuttling any vessel or floating container in the Scottish marine area
- Construct, altering or improving any works within the Scottish marine area either in or over the sea, or on or under the seabed
- Using a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area
- Carrying out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed)
- Depositing or using any explosive substance or article within the Scottish marine area either in the sea or on or under the seabed

The following activities described in the Proposal Summary are considered to require marine licences:

- Construction of a pier extension, rock armour protection, land reclamation and slipway
- Capital dredging

Therefore, you are required to apply for separate marine licences for:

- Construction
- Dredging

Please ensure that any applications submitted include detailed coordinates (WGS84 datum) for each individual element of the marine aspects of the development including:

- Full dredge area
- All land reclamation
- Slipway
- Rock armour
- The pier extension area
- Pile diameter/size, location (or average distance between piles) and number.

In assessing the quality and suitability of applications, the licensing authority will refer to the enclosed checklist and scoping opinion. Developers are encouraged to seek advice on the contents of the ES prior to applications being submitted, although this process does not involve a full analysis of the proposals. In the event of an application being void of essential information, MS-LOT reserves the right not to accept the application. Developers are advised not to publicise applications in the local or national press, until their application has been accepted by MS-LOT.

Victoria Bell
Marine Licensing Casework Manager acting on behalf of the Scottish Ministers
27 June 2016

ANNEX 1 – SCOPING CONSULTATION COMMENTS

From:	DIO-Safeguarding-Offshore (MULTIUSER)
To:	MS Major Projects
Subject:	20160610: Marine Harvest - Feed Mill, Kyleakin, Isle of Skye - Scoping Opinion Consultation - Response required by 27 May 2016
Date:	10 June 2016 14:48:00
Attachments:	image001.png image002.gif image003.jpg

Dear Vikki,

DIO Ref. 10036133

MOD Offshore Safeguarding – BUTEC Range Rassay

Thank you for consulting the Ministry of Defence (MOD) on the above scoping consultation for the development of a fish food mill at Allt Anavig Quarry on the Isle of Skye. The marine element of the proposed development occupies MOD Exercise Area X5721 and is also south of Danger Area D710 and Exercise Area X5717 located in the Inner Sound - Rassay (as detailed on UK Hydrographic Office – Practise and Exercise Area Chart Q.6403). The latter Danger and Exercise Areas contain an important MOD test range, the British Underwater Test and Evaluation Centre (BUTEC) used for defence test and evaluation purposes including noise trials.

The development outlined features the development of an extended pier for the handling of imported materials. The principal MOD safeguarding is that the construction and operation of the proposed jetty extension may impact on the operation of this MOD facility.

The applicant has being involved in dialogue with the MOD range operator and has recognised the potential impacts the construction and subsequent operation of the new jetty facility may have upon the ongoing use of the nearby range.

It is therefore recommended that the applicant assesses the potential affects of the proposed development during its construction and operation upon the nearby MOD BUTEC range. It is anticipated that the proposed development will generate increased marine traffic which may impact upon the operation of the range. Accordingly the application should consider establishing management arrangements to route marine traffic to avoid passing through the range area. In addition, they should support their application by preparing a management plan containing communication protocols to maintain regular contact with the range controller to ensure marine traffic travelling to and from the new jetty facility (both during construction and thereafter during its operation) is coordinated with MOD range operations to ensure range operations are not impeded. The applicant is also advised to take account of the provisions detailed in the current British Underwater Test and Evaluation Centre Byelaws (1984) as detailed in statutory instrument no.1851 relating to the restrictions on the use of sea areas (as specified) containing the ranges.

In principle, the MOD does not object to the construction and operation of the proposed jetty and associated development. However, construction works (particularly any pile driving activities) have the potential to compromise or otherwise cause significant noise interference to acoustic trials conducted at the MOD BUTEC ranges. Accordingly the MOD advises that the applicant should review the construction techniques that will be used and evaluate the associated noise emissions. In conjunction with this the applicant should prepare an appropriate noise impact mitigation strategy as part of a management plan to support any marine license application submitted to demonstrate what measures will be put in place to ensure pile driving type works are coordinated with the operation of the MOD BUTEC range and conducted at times when the range is not in operation. It is recommended that the applicant enters into further dialogue with the range operator to establish what type of mitigation measures will be appropriate.

I can further advice that if a marine license is submitted for the scheme outlined the MOD is likely to seek to have a condition included in any license granted to regulate the hours when pile driving type works may be conducted and to make provision that works are suspended for periods (as reasonably notified by MOD) should there be an urgent operational need for the range to be used outside the normal operating times identified.

Furthermore, the MOD would wish to establish long-term communication protocols and management arrangements to direct regular marine traffic movements associated with the proposed development away from the BUTEC range area.

This office will gladly review pre-application submissions and provide further advice to the applicant if requested.

Regards,

Jon Wilson
Safeguarding Officer - Environment & Planning Support Safeguarding
DIO Safety Environment & Engineering
Defence
Infrastructure
Organisation
Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

MOD telephone: 94421 3818 ¦ **Telephone:** 0121 311 3818 ¦ **Fax:** 0121 311 2218 ¦ **Email:** DIO SEE-EPS SG1a@mod.uk ¦
Website: https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

From:	navigationsafety
To:	MS Major Projects
Subject:	RE: Marine Harvest - Feed Mill, Kyleakin, Isle of Skye - Scoping Opinion Consultation - Response required by 27 May 2016
Date:	18 May 2016 12:28:33
Attachments:	image001.jpg

Victoria,

Thank you for your email regarding the above Scoping Opinion.

I would suggest that the applicant includes consideration of the impact the development may have on the safety of navigation for vessels operating in the area. For example, does the development restrict vessels in any way, increase risk of collision, or impede safe navigation to any local ports, harbours or jetties etc. Will local vessel operators be consulted? What mitigation measures will be put in place?

Depending on the information provided, it may be likely that any navigational safety concerns can be addressed by suitably worded conditions in any consent at the formal application stage. This would include for example:

1) The Licencee must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners.
2) The Licencee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.
3) The Licencee must ensure that 'the works' do not encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.
4) The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
5) Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
6) If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

Kind regards

Helen

Helen Croxson
Marine Licensing Lead

Maritime and Coastguard Agency
Bay 2/20 Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: 023 80329184
Email: Helen.Croxson@mcga.gov.uk

Please note I currently work Tuesdays, Wednesdays and Thursdays.

marinescotland science

T: +44 (0)1224 876544
MS_Renewables@gov.scot

The Scottish Government

Vikki Bell
Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

MARINE HARVEST - DEVELOPMENT OF A NEW FEED MILL, KYLEAKIN, ISLE OF SKYE - SCOPING OPINION CONSULTATION – REQUEST FOR MSS COMMENTS

Marine Scotland Science (MSS) has reviewed the submitted scoping opinion consultation and has provided the following comments.

ornithology
MSS has no comments on ornithology

commercial fisheries
MSS has no comments on commercial fisheries.

marine fish ecology
There is no mention of marine fish species within the proposal summary. For completeness, an assessment of impacts upon marine fish should be considered.

physical environment
The new site will comprise a pier (with a preferred pier option presented) which will have effects on the water environment. The EIA Overview mentions that there will be potential impacts on marine interactions including the water column. It states that the seabed adjacent to the proposed facility forms part of an MPA and survey work has been carried out to assess the proximity of protected features to the proposed development.

There will be potential impacts of both the construction and the operational phases on different components of the environment but the listed components are not inclusive enough.
Further investigations need to include all aspects of the physical environment, such as sediments (sediment plumes for example, especially considering the proximity to the MPA), hydrodynamics (for example changes to tides and currents), water quality (and subsequent effects on the flame shells), coastal processes, sea level rise mitigations, and storm surge events.

Even if some of those impacts can potentially eventually be scoped out, they will need to be discussed first. A specific type and design of the pier has been proposed, which extends into the MPA. Due to this proximity and the size and location of the pier and the dredging, it will influence the above mentioned components of the water environment and therefore requires hydrodynamic and sediment plume modelling.

The dredge area looks substantial and more information will need to be presented. How much material and what type of materials will get dredged? What methods will be used and where will the material be disposed of?

Any impact on the water environment and possible mitigation measures need to be assessed. Also cumulative impacts will need to be discussed!

To conclude, all aspects of the water environment need to be taken into account and assessed to evaluate if they need to be scoped in or can be scoped out. Due to the proximity to the MPA and the project being a major construction project modelling will need to be done.

diadromous fish
Fish are not specifically mentioned in the material provided, but they will need consideration

Diadromous fish including salmon, sea trout and eels will be present in the coastal waters at this site and consideration will be needed as to

- the extent different life stages are likely to be present at the different times of year, and whether whether they are likely to be associated with local rivers or migrating from or to rivers further afield.
- what aspects of the marine construction work, including dredging, and changes to habitat or water quality, either temporary or permanent might impact or interfere with salmon, sea trout and eels or fisheries for these
- what aspects of the operation of the marine elements of the facility might impact or interfere with salmon, sea trout and eels or fisheries for these
- what can be done to prevent or minimise adverse effects
- what monitoring is needed.

The Skye and Wester Ross District Salmon Fishery Boards and Fisheries Trusts should be approached for advice and information.

aquaculture
Marine Scotland Science aquaculture has no specific comment to make regarding the proposed feed plant at Allt Anavig Quarry, Isle of Skye.

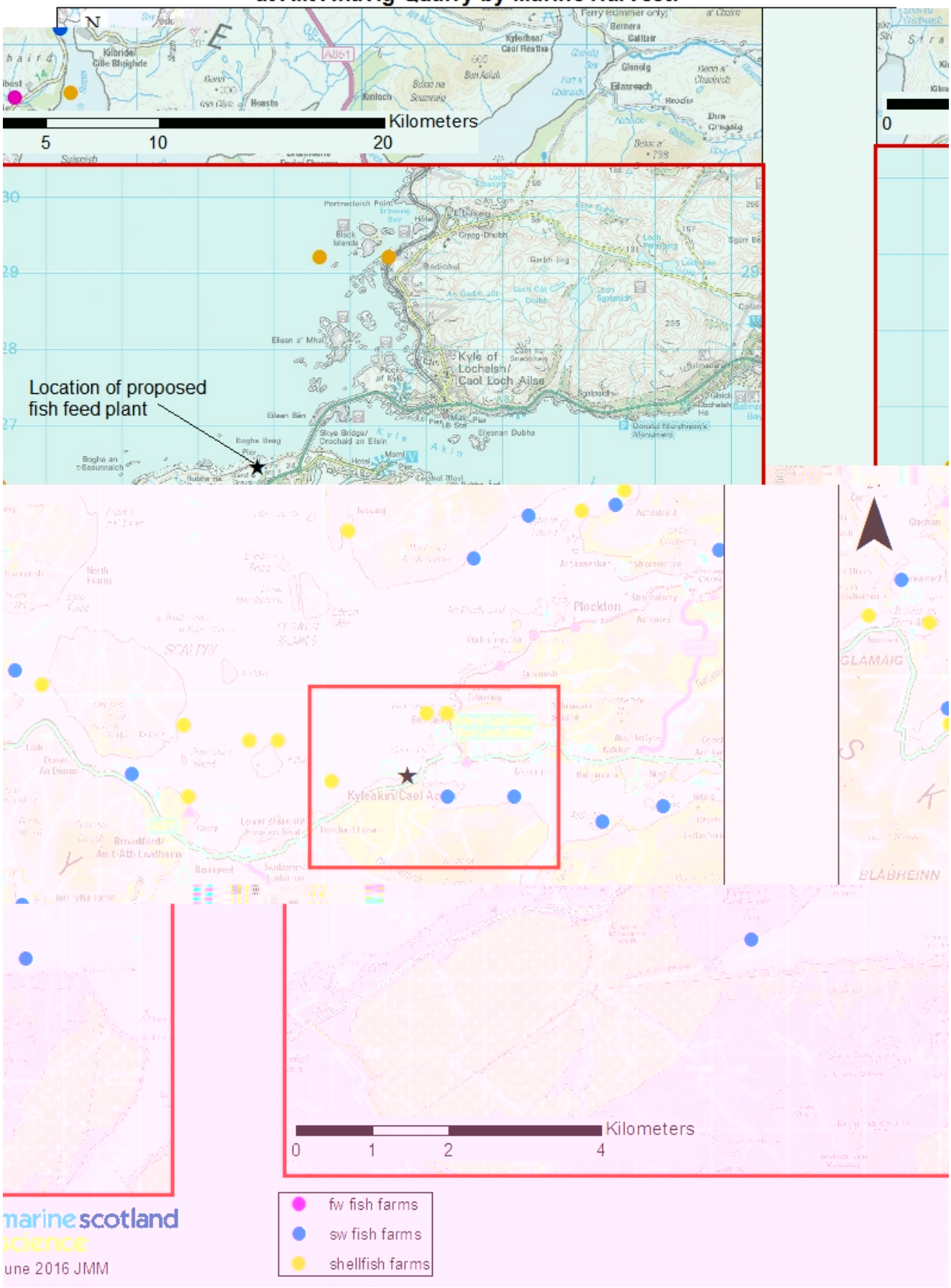
There are currently no aquaculture sites registered with Marine Scotland Science or, to our knowledge, proposed in the planning system located in the immediate vicinity of the feed plant at Allt Anavig Quarry proposed by Marine Harvest Ltd. (see attached map).

There are a number of aquaculture sites registered with Marine Scotland Science located in the surrounding area. The closest active marine finfish cage site is situated ~5 km east of the proposed works; it is an active Atlantic salmon site operated by the applicant. In addition there is an inactive Atlantic salmon site situated ~4.5 km south east of the proposed works, also operated by the applicant.

The closest active shellfish sites are situated ~6 km and 7 km north west of the proposed works and are Common mussel sites operated by Moidart Shellfish Ltd. In addition there are 3 inactive shellfish sites situated within 3.5 km of the proposed works. Two are situated to the north of the proposed works and are inactive King scallop and Pacific oyster sites operated by Omega Scallops. The third is situated to the west of the proposed works and in is an inactive King scallop site operated by James A. Fraser Shellfish.

There are several land based freshwater sites displayed on the map but these are not expected to be affected by this development.

Location of aquaculture sites in the vicinity of the proposed fish feed plant at Allt Anavig Quarry by Marine Harvest.



socio economics

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box MS_Renewables@scotland.gsi.gov.uk.

Yours sincerely

[redacted]

Paul Stainer

Marine Scotland Science

13 June 2016

Northern Lighthouse Board

CAPTAIN PHILLIP DAY
DIRECTOR OF MARINE OPERATIONS

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: Email 29/04/16 scoping opinion
Our Ref: SD/OPS/ML/PJMS_006_16

Victoria Bell
Marine Licensing Officer
Marine Scotland – Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

13 May 2016

Dear Victoria

MARINE (SCOTLAND) ACT 2010 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

Thank you for your e-mail correspondence dated 29 April 2016 regarding the scoping opinion request documentation submitted by **Marine Harvest (Scotland) Ltd** in regards to their proposal to develop a feed mill facility at Allt Anavig Quarry, Kyleakin, Isle of Skye.

Northern Lighthouse Board has not identified any major issues but to ascertain the project's impact on local navigation safety we would require that further information be provided at the marine licence application stage with regard to:

- the dimensions of the proposed pier
- the installation co-ordinates (WGS-84 datum)
- number, type and size of vessels anticipated to use the facility

Northern Lighthouse Board will advise on any navigational safety issues and any necessary lighting/marking recommendations on receipt of the marine licence application for the project, but are willing to discuss these issues with the applicant at any stage.

Yours sincerely

From:	Pauline McGrow
To:	MS Major Projects
Subject:	RE: Marine Harvest - Feed Mill, Kyleakin, Isle of Skye - Scoping Opinion Consultation - Response required by 27 May 2016
Date:	20 May 2016 17:03:12
Attachments:	image004.gif image005.jpg image006.jpg image007.png image008.png image009.jpg image001.jpg

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Hi Vikki,

I write to inform you that RYA Scotland has no objections to this application.

Kind Regards

Pauline

Pauline McGrow
Senior Administrator
Royal Yachting Association Scotland
T: 0131 317 4611
E: pauline.mcgrow@ryascotland.org.uk

RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
www.ryascotland.org.uk **T**: 0131 317 7388 **F**: 0844 556 9549

From:	Baldwin, Cerian
To:	MS Major Projects
Subject:	RE: Marine Harvest - Feed Mill, Kyleakin, Isle of Skye - Scoping Opinion Consultation - Response required by 27 May 2016 - SEPA Response PCS/146618
Date:	04 May 2016 14:32:50
Attachments:	SEPA Scoping Reponse to Highland Council.doc

Hi Victoria,

Many thanks for the below consultation. Attached is our scoping response that we sent to Highland Council which also covers our interests in terms of the marine environment. Section 2.2 specifically highlights this. As discussed at the recent Major Pre-Application Advice meeting held by Highland Council, we consider that Marine Scotland, in consultation with SNH, will be best placed to advise on the impacts from dredging and construction.

In terms of the Water Framework Directive we consider that there is unlikely to be any significant impact upon hydromorphological status in this water body from these works. So long as the designated sites and Marine Protection Area are protected then the River Basin Management Plan and Water Framework Directive objectives will be fulfilled. Marine Scotland, in consultation with SNH, are best placed to advise on these but should you require any specific assistance then please do not hesitate to consult us.

In particular you will note in the attached scoping report that we will regulate any abstractions or discharges to the sea. This may have impacts upon the above issues and therefore we will consult with you and SNH before we comment on these during the planning application.

I hope the above addresses your query but should you require anything else from us please do not hesitate to contact me.

Cerian

Cerian Baldwin
Senior Planning Officer
Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall IV15 9XB
Direct Line: 01349 860415 Email: cerian.baldwin@sepa.org.uk

Cerian Baldwin
Àrd-Oifigear Dealbhaidh
Seirbheis an Dealbhachaidh, BDAA, Taigh Graesser, Pàirc Gnothachais Inbhir Pheofharain, Inbhir Pheofharain, IV15 9XB.
Fòn: 01349 860415 Post-dealain: cerian.baldwin@sepa.org.uk

Please note that I normally only work Tuesdays, Wednesdays and Thursdays.

Are you using the new CIRIA SUDS manual C753 yet? After 31st May we expect all SUDS proposals to be designed in accordance with it – www.susdrain.org/resources/SuDS_Manual.html

Our ref: PCS/146138
Your ref: 16/01492/SCOP

If telephoning ask for:
Cerian Baldwin

13 April 2016

Mark Harvey
The Highland Council
Kings House
The Green
Portree
Isle of Skye
IV51 9BT

By email only to: epc@highland.gov.uk

Dear Mr Harvey

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
Scoping consultation
Proposed feed plant at Allt Anavig Quarry Land At Kyleakin Quarry, Kyleakin

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 6 April 2016. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice to the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. The information requirements we set out below are identical to that which we supplied as part Highland Council's Major Application meeting. To **avoid delay and potential objection,** the information outlined below and in the attached appendix must be submitted in support of the application.

In summary this must include:

a) Details of proposed materials and technology to be used in the manufacturing processes and emissions;

b) Map showing assessment of all engineering works within and near the water environment including buffers supported by a flood risk assessment;

c) Map of proposed waste water drainage layout;

d) Map of proposed surface water drainage layout;

e) Map of proposed water abstractions including details of the proposed operating regime;

f) Map and table detailing forest removal;

g) Schedule of mitigation for construction including pollution prevention measures;

h) Quarry Site Management Plan of pollution prevention measures;

Further details on these information requirements and the form in which they must be submitted can be found below.

There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1 Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible to minimise the extent of new works on previously undisturbed ground.

2. Consentability under environmental regulations

2.1 The proposal will require a permit under PPC. Depending on the scale it will either need a Part A or Part B permit for the production of animal feed using animal or vegetable matter. The qualifying threshold relates to the raw material used. We will regulate odour, dust and potentially noise during the operation of the site. Should a Part A permit be required we will control any discharges through PPC. Should a Part B permit be required then we will control discharges through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR). We note there is an existing abstraction licence under CAR (CAR/L/1011948) from the onsite lagoon. Any additional abstractions from the sea or the watercourse will require authorisation from us.

2.2 Given the marine designations adjacent and close to the site and the interrelationship between the above issues and the marine environment, it will be important to consider consentability during the planning application determination. For example the regulated processes will impact upon issues such as discharges or abstractions to/from the Marine Protected Area or the stack height and building design in relation to landscape issues. This may be particularly important should Appropriate Assessment be required for impacts upon the environmental designations.

2.3 In order to advise on consentability, we will need a certain level of information at the planning application stage however we cannot do this based on the outline information submitted to date. We would like to advise the applicant on what information we will need early in the design process when the design is still fluid and can be changed. In order to do this we need further details on the materials, processes and technology involved. In the first instance we strongly recommend the applicant seeks a meeting with us in the near future to

discuss this and then we would hope to provide more detailed pre-application advice.

2.4 Comments on noise and dust during construction should be sought from Environmental Health.

3. Engineering activities in the water environment

3.1 We note the initial layout shows buildings on top of the Allt Anavig and existing culvert. We appreciate this is an early draft layout however the site layout must be designed to avoid impacts upon the water environment. In this instance there is an opportunity to de-culvert the Allt Anavig whilst maximising the site space through possibly moving the existing culverted section westwards. The applicant should design the layout to de-culvert the Allt Anavig, locate it at least 10 m away from any buildings or yard areas, design the channel to be as natural as possible to improve ecological value and install a bridge or bottomless culvert for any watercourse crossings.

3.2 The planning submission must include a map showing:

a) all proposed temporary or permanent infrastructure overlain with all lochs, ponds, lagoons and watercourses;

b) a buffer of at least 10 m drawn around each water feature. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the water feature, drawings of what is proposed in terms of engineering works.

c) detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

3.3 If water abstractions or dewatering are proposed, a table of volumes and timings of abstractions and related mitigation measures must be provided.

3.4 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.

3.5 For information, guidance should be sought from Marine Scotland with regards to the engineering works within the marine environment. We will regulate all water engineering works above Mean High Water Springs (MHWS) but works below this fall to Marine Scotland. We do however regulate abstractions and discharges below MHWS and therefore will work with Marine Scotland and SNH on any issues pertaining to their interests.

4. Flood risk

4.1 As detailed above, the Allt Anavig flows through this site and is partially culverted before it drains to the sea. The site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Fluvial Flood Map and adjacent to the SEPA Coastal Flood Map, and may therefore be at medium to high risk of flooding.

4.2 Scottish Planning Policy clearly states (paragraph 255) that “the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas”. It further

defines (glossary) that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year”. Built development should not therefore take place on the functional flood plain.

4.3 In addition to the water engineering comments above, from a flood risk perspective, it would be unacceptable to build on top of the Allt Anavig or on top of a culvert. As detailed above, development must located away from the Allt Anavig and outwith the 1 in 200 year flood plain which would need to be determined in a Flood Risk Assessment (FRA). Watercourse crossings should be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows.

4.4 In addition as the site is adjacent to the SEPA Coastal Flood Map then coastal flood risk must be assessed as part of the FRA. For information, an approximate 1 in 200 year water level for the area is 4.03mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location.

4.5 As part of a Flood Risk Assessment a topographic survey of the site would be required to demonstrate that the site is above the 1 in 200 year water level for the area, 4.03mAOD, (based on extreme still water level calculations using the CFB Method) plus a recommended freeboard. We recommend a minimum freeboard of 600mm but advice on the appropriate levels of freeboard for the area to take account of this should be sought from Highland Council’s Flood Team. For areas outwith the Allt Anavig flood plain but adjacent to the SEPA Coastal Flood Map land raising would be a feasible option. We also appreciate the some elements of the scheme such as the pier and associated works need to be located within the coastal flood plain for operational reasons. This should be detailed in the FRA.

4.6 As discussed at the meeting, due to the artificial levels of the quarry floor, groundwater flooding may be an issue. Ground investigations should be carried out to determine the level of the water table in relation to the proposed ground levels. Should it be determined that groundwater may pose a flood risk then should be assessed within the FRA.

4.7 We offer guidance to the applicant on the completion of a Flood Risk Assessment in the document entitled: “Technical Flood Risk Guidance for Stakeholders”. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf. Please note that this document should be read in conjunction with Part 2 of SEPA Policy 41: “Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol”, available from Guidance and advice notes | Scottish Environment Protection Agency (SEPA).

4.8 In addition our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls

5. Surface water drainage

5.1 Surface water runoff must be treated by sustainable drainage systems (SUDS) therefore is important to ensure that adequate space to accommodate SUDS is incorporated within the site layout.

5.2 Proposals must meet the treatment requirements of CIRIA C753. A site plan showing the proposed SUDS treatment train must be submitted. The Simple Index Approach calculation (Section 26.7.1 of the guidance) must be submitted in support of the site plan, and the online tool may be used to assist in this. Where the development has a high pollution hazard level, a detailed risk assessment (Section 26.7.3) must be submitted.

5.3 We note the need for cooling and cleaning water. Rainwater harvesting and water recycling must be utilised to supplement the existing abstraction. This will help limit scale of SUDS required and perhaps limit the need for sea water abstraction thus limiting works in the marine environment.

5.4 Comments on the acceptability of post-development runoff rates for flood control should be sought from the local authority flood prevention unit, and not from SEPA.

6. Forest removal and forest waste

6.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality.

6.2 The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

7. Pollution prevention and environmental management

7.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.

7.2 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques, regulatory requirements, the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals to fund a planning monitoring enforcement officer.

7.3 In this site specific instance given the proximity to designated sites and the scale of construction works required, discharges from temporary welfare facilities during construction should be to sealed units and removed off site via licensed carriers.

7.4 Please refer to the Pollution prevention guidelines for general guidance on managing construction works.

8. Quarry operation

8.1 Should it be proposed to extract the mineral deposits prior to construction then an updated Site Management Plan must be submitted. It may be the existing site operator already has one however this would need to be updated to include any changes to operations and must include the following information:

a) A map showing all proposed excavations, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas;

b) A site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10 m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works;

c) A detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds;

d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table;

e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions;

g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;

h) A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time.

i) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Governments Development on Peat: Site Surveys and Best Practice) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO_2.

j) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used;

8.2 In addition to the information requirements set out within SPP and PAN 50 Controlling the Environmental Effects of Surface Mineral Workings, applicants will need to consider if their proposal will include an extractive waste area or an extractive waste facility under the terms set out in the Management of Extractive Waste (Scotland) regulations 2010. The applicant should refer to Guidance for The Management of Extractive Waste (Scotland) Regulations 2010.

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at planning.dingwall@sepa.org.uk.

Yours sincerely

Cerian Baldwin
Senior Planning Officer
Planning Service

ECopy to: mark.harvey@highland.gov.uk; david.biggin@marineharvest.com

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Planning and Development
The Highland Council
Tigh Na Sgire
Park Lane
Portree
IV51 8GP

FAO: Mark Harvey

Your ref: 16/01492/SCOP

12 May 2016

Dear Mark

EIA scoping for proposed fish feed plant at Allt Anavaig quarry, Kyleakin, Isle of Skye Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

Thank you for your consultation dated 6 April 2016 requesting our EIA scoping advice on the above proposal and for allowing additional time for us to consider the proposals.

1. Background

We took part in the major applications pre-application meeting for this proposal in March 2016. The development requires both planning permission and a Marine Licence (and other permissions). At the meeting it was agreed that a single Environmental Statement (ES) should be produced covering the requirements of all regulatory processes.

In addition to your scoping consultation, a separate EIA scoping exercise is currently being carried out by Marine Scotland covering the Marine Licensing process. A lead body has not yet been identified and therefore we comment here on both marine and terrestrial aspects that fall within our remit.

We responded to an EIA consultation for Allt Anavaig quarry in 2009. Many of the surveys carried out for that ES are relevant to the current proposals but require updating.

2. Summary

Our advice is that the proposed development is likely to have significant effects on the environment, including on sensitive areas. Key natural heritage issues arising from this development include effects on:

- The designated features of Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area, particularly the flame shell bed;
- Reefs in Lochs Duich, Long and Alsh Special Area of Conservation;
- Cetaceans, including harbour porpoise within Inner Hebrides and the Minches proposed Special Area of Conservation;
- Landscape and visual impacts particularly relating to Kyle – Plockton Special

Landscape Area.

In addition, terrestrial protected species surveys are likely to be necessary.

3. Our comments on the developer's proposal summary

Marine Harvest has provided a document summarising their proposals and suggesting components to include in an EIA. Those proposals cover the main topic areas but much of the detail regarding scope and methodologies has been deferred to future discussions.

We are prepared to be involved in further discussions but would welcome a managed approach led by the relevant regulator. A number of the components of the EIA are likely to require specialist contractors, particularly marine impacts and landscape. As a starting point, it would be helpful for the developer or their specialist contractor to propose methodologies for us to comment on.

Annex A of this letter provides further detail to assist with the EIA process.

Should you have any queries about this letter please contact me at the address above.

Yours sincerely

Alex Turner
Area Officer
Skye and Lochalsh, South Highland
alex.turner@snh.gov.uk

Annex A – details to assist with the EIA for Fish Feed Plant at Kyleakin Quarry

1. **Guidance for assessing impacts on the natural heritage**

We have a variety of guidance on our website, covering topics such as protected areas, landscape and protected species. We would expect the applicant to follow the latest guidance as published on our website via http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/ Guidance on the EIA process is also available, including a link to our EIA handbook - http://www.snh.gov.uk/planning-and-development/environmental-assessment/eia/

2. **Service Statement**

Our Service Statement sets out the level of engagement that both the planning authority and developer can expect from us during the planning process. The Service Statement is available on our website via http://www.snh.gov.uk/planning-and-development/approach/

3. Designated sites

a. **Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA)**

The proposals to lengthen the existing pier and dredge a berthing pocket mean works would extend into Lochs Duich, Long and Alsh NC MPA. This site is of national importance for its flame shell beds and burrowed mud habitats. Impacts on both habitats should be assessed in the Environmental Statement.

Existing benthic data should be collated and assessed. The National Marine Plan Interactive (NMPi) website contains information derived from surveys carried out by SNH, the Joint Nature Conservation Committee (JNCC), Marine Scotland and others.
http://www.gov.scot/Topics/marine/seamanagement/nmpihome
The Documents relating to the MPA including a summary of available data and management options paper are available on our website at http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/mpas/mpa-dla/. We have previously provided Marine Harvest with maps showing the available data points close to the development and can provide further detail on request.

MHS commissioned a diver survey in January 2016 and two transect were surveyed in the vicinity of the proposed pier and dredging area. The results of this survey should be presented in the ES and associated photos/videos should be provided as supplementary information. The survey showed that a high quality flame shell bed extends from the deeper water to 9.5m BCD which corresponds with the end of the proposed pier. Flame shell coverage was close to 100%. The data is consistent with existing MPA data on flame shell distribution. In our view further survey is not essential and the EIA assessment could be based on an assumption that the sea bed below 9.5m BCD is uniform high quality flame shell bed. However further survey data may be required in order to fully assess the wider benthic impacts (see below) depending on the scale of the impacts predicted by the modeling.

The proposals are clearly '*capable of affecting [the interests of the MPA] other than insignificantly'*. Regulators will need sufficient information to assess whether there is a '*significant risk of hindering the achievement of the conservation objectives'.*
The Conservation objectives are laid out in the Designation Order (http://www.scotland.gov.uk/Resource/0045/00456828.pdf) and include objectives to:

- Maintain or increase the extent of habitat;
- Maintain a healthy structure and function;
- Maintain the diversity and abundance of characteristic species.

We would expect the EIA to include an assessment of both direct and indirect impacts on the interests of the MPA at all stages of the development. Direct impacts involve the loss of flame shell habitat from construction of the pier and associated dredging. It is important to clarify the length and shape of pier required at the outset or to assess a series of possible options.

Assessment of indirect impacts will likely be informed by modelling of changes in water movement and resulting changes in bathymetry and bed sediment. There should be separate modelling for construction and operational phases. Key aspects are as follows (many of which will interact):

- Changes in water movement due to new pier and dredged area. This will vary with pier design (which should also be considered as part of mitigation).
- The extent and degree of siltation likely to arise from the dredging and construction phases. The frequency of maintenance dredging should be defined as well as the disposal location for dredged material.
- The effects of propeller wash from supply/distribution ships, taking into account size and design of ships, frequency of visits to the pier, any amplification caused by the shallow water, large ships turning to berth.
- The location of discharge points for waste/effluent from shore activities. Levels of effluent treatment should be defined and, if levels are significant, the dispersal of plume should be modelled.
- Clarification regarding the need for seawater cooling. If required, provide details of the location and temperature of discharged water.
- The development of an appropriate pollution prevention plan covering fuel, chemical, raw material and feed spills.
- The potential anchoring of ships in the channel or elsewhere during construction, dredging and operation. This should include consideration of any mechanisms available for controlling anchoring associated with the facility.
- The discharge of ballast water and potential transfer of invasive non-native species.

Preferred methodologies to assess these aspects should be put forward for consideration by SNH, Marine Scotland and SEPA. It is likely that input from specialist consultants will be required.

Once the extent and scale of impacts have been predicted and quantified these can be assessed against known sensitivities of flame-shell beds. A summary of current understanding regarding sensitivity to various pressures is available via the FEAST (Feature Activity Sensitivity Tool) section of the Marine Scotland website http://www.marine.scotland.gov.uk/FEAST/FeatureReport.aspx This information provides a useful starting point but a specialist contractor is likely to be required to carry out a review of scientific literature and research. Where studies specific to flame shell beds are not available it may be possible to use other habitats or species as a proxy. It would be helpful to agree the best way to assess the gaps in the literature prior to finalisation of the ES.

b. **Lochs Duich, Long and Alsh Special Area of Conservation**

The boundary of the SAC lies ~800m from the proposed pier (E of Skye bridge). The site is of European importance for its reefs. This includes both rocky reefs and biogenic

reefs. An important area of *Modiolus modiolus* biogenic reef is located south of Kyle Harbour, approximately 2.5km from the proposals.

The EIA would need to assess indirect impacts on this site and to demonstrate that there would be no adverse effect on site integrity. The issues and assessment process will be similar to assessing the MPA described above. Only those aspects where significant effects are likely need be considered in detail. Based on current information it seems likely that avoidance of ballast water discharge inside the SAC and agreement of a robust pollution prevention plan will be two of the key requirements to protect the SAC.

c. **Inner Hebrides and the Minches proposed Special Area of Conservation**

The pier lies within the Inner Hebrides and the Minches proposed Special Area of Conservation for harbour porpoise**.** The SAC proposals are currently out to consultation and in the meantime the area has policy protection. Further information on the proposals and advice on management are available on the SNH website: http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/2016-harbour-porpoise-consultation/ Other species of cetaceans are also present in this area. All cetaceans are European Protected Species. They may be disturbed and/or displaced by construction work, especially pile driving and/or rock blasting and possibly dredging. A disturbance licence may be required from Marine Scotland for this type of work.

The construction methods should be clarified following site investigations. The type of piling (impact vs vibrating hammer) or drilling should be defined. Dredging techniques and any rock blasting requirements should also be detailed. An underwater noise assessment should be carried out and appropriate mitigation put forward based on relevant best practice guidance including:

- Statutory nature conservation agency piling protocol (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Piling%20protocol_August_2010.pdf
- JNCC guidelines for minimising the risk of disturbance and injury to marine mammals whilst using explosives (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Explosives%20Guidelines_August%202010.pdf

4. **Other marine habitats and species**

The review of existing marine data should also identify any Priority Marine Features which may be affected by the proposals. Priority Marine Features (PMFs) are habitats and species which are considered to be marine nature conservation priorities in Scottish waters. Further information and a link to the adopted list of PMFs is available via http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/ If PMFs are identified their sensitivity to pressures associated with the development should be assessed: information on the FEAST website (see above section) is likely to help with that process.

5. **Landscape and visual impacts**

We agree with MHS that a Landscape and Visual Impact Assessment should be carried out by a chartered landscape architect. This should follow the latest guidance - Guidelines for Landscape and Visual Impact Assessment (3rd edition) It should include an assessment of how the proposals would affect the special qualities of the Kyle – Plockton Special Landscape Area: https://www.highland.gov.uk/downloads/file/2937/assessment_of_highland_special_landscape_areas

We are content for the viewpoints to be agreed between the Landscape Architect and Highland Council. However, we recommend that the following viewpoints be considered:

- Skye Bridge;
- Eilean Ban;
- Plock of Kyle;
- Railway/road at Badicaul
- Kyle harbour/waterfront;
- From the water on the route taken by boats accessing Kyle harbour or travelling under the Skye bridge.

6. Terrestrial protected species

Habitat and species surveys were carried out in 2007 as part of the Environmental Impact Assessment for Kyleakin quarry. The 2009 Environmental Statement provides useful information on the habitats and species present which help to focus the current EIA process. Some of that information could be re-used in the current ES subject to clarification of data ownership and review/updating. A number of protected species were recorded as detailed below, including bats and otters which are European Protected Species.

In 2007, otter resting sites were identified within the current application area. However the data is now too old to be use in support of a planning application or otter licence application. We therefore advise that a new survey should be carried out as detailed on our website: http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/otters/assessing/
If otters could be affected by the proposal then a species protection plan should also be produced.

Bats were found to be feeding on site, possible roost sites (in mature trees) were surveyed but no breeding or resting sites were identified. We recommend that the existing information be reviewed in the light of the current proposals and any changes to the habitat over the intervening years. Follow up inspections of mature trees with suitable hollows should be carried out if they may be felled as part of the proposals.

Adder, slow worm and a sand martin colony were also recorded on the quarry site but these were not within the current application area. Pine marten were not recorded but are known to be present in the Kyleakin area. Based on the current proposals it seems unlikely that detailed surveys are necessary but we recommend that a walkover survey be carried out of the application area to assess whether these or any other protected species may be present.

We expect all species surveys to be undertaken by suitably qualified field ecologists in accordance with standard methodologies which can be found on our website at http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-animals/ These methods should be detailed along with the results and any mitigation measures in the ES, in a confidential annex if necessary.

7. **Terrestrial habitats**

Based on the 2007 Phase 1 habitat survey the application site appears to be heavily modified with few habitats of nature conservation importance. Semi-natural woodland and scrub occurs around the margins of the site and this should be protected. We recommend that this information should be reviewed as part of a walkover survey. However we do not require any further surveys (e.g. NVC).

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Marine Scotland Licensing Operations Team – Major Projects
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

FAO: Victoria Bell

27 May 2016

Dear Ms. Bell

EIA scoping for fish feed plant at Allt Anavaig quarry, Kyleakin, Isle of Skye
Marine (Scotland) Act 2010 and the Marine Works (Environmental Impact Assessment) Regulations 2007

Thank you for your consultation dated 29 April 2016 requesting our EIA scoping advice on the above proposal.

1. Background

As you are aware, The Highland Council is also undertaking an EIA scoping process for this development. A lead body has not been identified and therefore we provided advice to The Highland Council on both terrestrial and marine aspects. We copied you our response earlier this month.

At the Highland Council Major Applications meeting that we both attended in March 2016 it was agreed that a single Environmental Statement (ES) should be produced covering the requirements of all regulatory processes and we support that intention.

Recent discussions with the developer indicate that they are considering alternative pier design and dredging area than shown in your consultation documents. We have sought to take this alternative into account in our comments below.

2. Summary

Key marine natural heritage issues arising from this development which will need to be considered in the EIA include effects on:

- The designated features of Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area, particularly the flame shell bed;
- Reefs in Lochs Duich, Long and Alsh Special Area of Conservation;
- Cetaceans, including harbour porpoise within Inner Hebrides and the Minches proposed Special Area of Conservation;
- Other Priority Marine Features where impacts could be significant.

3. Our comments on the developer's proposal summary

Marine Harvest has provided a document summarising their proposals and suggesting components to include in an EIA. Those proposals cover the main topic areas but much of the detail regarding scope and methodologies has been deferred to future discussions.

We are prepared to be involved in further discussions but would welcome a managed approach led by the relevant regulator. A number of the components of the EIA are likely to require input from specialist contractors, particularly marine impacts. As a starting point, it would be helpful for the developer or their specialist contractor to propose methodologies for us to comment on.

Annex A of this letter provides further detail to assist with the EIA process.

Should you have any queries about this letter, or require any further advice, please contact me at the address above.

Yours sincerely

Alex Turner
Area Officer
Skye and Lochalsh, South Highland
alex.turner@snh.gov.uk

Annex A – details to assist with the EIA for Fish Feed Plant at Kyleakin Quarry

1. **Guidance for assessing impacts on the natural heritage**

We have a variety of guidance covering topics such as protected areas and protected species. We would expect the applicant to follow the latest guidance as published on our website via http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/ Guidance on the EIA process is also available, including a link to our EIA handbook - http://www.snh.gov.uk/planning-and-development/environmental-assessment/eia/

2. **Designated sites**

a. **Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA)**

The proposals to extend the existing pier and dredge a berthing pocket and access route mean that works would extend into Lochs Duich, Long and Alsh NC MPA. This site is of national importance for its flame shell beds and burrowed mud habitats. Impacts on both habitats should be assessed in the Environmental Statement.

Existing benthic data should be collated and assessed. The National Marine Plan Interactive (NMPi) website contains information derived from surveys carried out by SNH, the Joint Nature Conservation Committee (JNCC), Marine Scotland and others - http://www.gov.scot/Topics/marine/seamanagement/nmpihome. However, we are aware that data relating to flame shell beds is not available at the time of writing.

Documents relating to the MPA including a summary of available data and management options paper are available on our website at http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/mpas/mpa-dla/.

More recent survey data for the MPA (including data points close to the development area) is detailed in:

- SNH Commissioned Report 790: Infaunal and PSA analyses of benthic samples collected from Loch Alsh, in March 2014 - http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=2197
- SNH Commissioned Report 819: Biological analyses of underwater video from research cruises in marine protected areas and renewable energy locations around Scotland in 2014 - http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=2373

We have previously provided Marine Harvest with maps showing all the available data points close to the development.

MHS commissioned a diver survey in January 2016 and two transect were surveyed in the vicinity of the proposed pier and dredging area. The results of this survey should be presented in the ES and associated photos/videos should be provided as supplementary information. The survey showed that a high quality flame shell bed extends from the deeper water to 9.5m BCD. Flame shell coverage was close to 100%. The data is consistent with existing MPA data on flame shell distribution. In our view further survey is not essential to determine the edge of the flame shell bed and the EIA assessment could be based on an assumption that the sea bed below 9.5m BCD is uniform high quality flame shell bed. However further survey data may be required in order to fully assess the wider benthic impacts (see below) depending on the location of the pier and dredging, and the scale of the indirect impacts.

The proposals are clearly '*capable of affecting [the interests of the MPA] other than insignificantly'*. Regulators will need sufficient information to assess whether there is a '*significant risk of hindering the achievement of the conservation objectives'.*
The Conservation objectives are laid out in the Designation Order (http://www.scotland.gov.uk/Resource/0045/00456828.pdf) and include objectives to:

- Maintain or increase the extent of habitat;
- Maintain a healthy structure and function;
- Maintain the diversity and abundance of characteristic species.

We would expect the EIA to include an assessment of both direct and indirect impacts on the interests of the MPA at all stages of the development. Direct impacts involve the loss of flame shell habitat from construction of the pier, dredging and any anchoring. It is important to clarify the length and shape of pier and extent of dredging required at the outset or to assess a series of possible options (our preferred approach).

Assessment of indirect impacts will likely be informed by modelling of changes in water movement and resulting changes in bathymetry and bed sediment. There should be separate modelling for construction and operational phases. Key aspects are as follows (many of which will interact):

- Changes in water movement due to new pier and dredged area. This will vary with pier design (which should also be considered as part of mitigation).
- The extent and degree of siltation likely to arise from the dredging and construction phases. The frequency of maintenance dredging should be defined as well as the disposal location for dredged material.
- The effects of propeller wash from supply/distribution ships, taking into account size and design of ships, frequency of visits to the pier, any amplification caused by the shallow water, large ships turning to berth.
- The location of discharge points for waste/effluent from shore activities. Levels of effluent treatment should be defined and, if levels are significant, the dispersal of plume should be modelled.
- Clarification regarding the need for seawater cooling. If required, provide details of the location and temperature of discharged water.
- The development of an appropriate pollution prevention plan covering fuel, chemical, raw material and feed spills.
- The potential anchoring of ships in the channel or elsewhere during construction, dredging and operation. This should include consideration of any mechanisms available for controlling anchoring associated with the facility.
- The discharge of ballast water and potential transfer of invasive non-native species.

Preferred methodologies to assess these aspects should be put forward by the developer for consideration by SNH, Marine Scotland and SEPA. It is likely that input from specialist consultants will be required.

Once the extent and scale of impacts have been predicted and quantified these can be assessed against known sensitivities of flame-shell beds. A summary of current understanding regarding sensitivity to various pressures is available via the FEAST (Feature Activity Sensitivity Tool) section of the Marine Scotland website http://www.marine.scotland.gov.uk/FEAST/FeatureReport.aspx This information provides a useful starting point but a specialist ecological contractor is likely to be required to carry out a review of scientific literature and research. Where studies specific to flame shell beds are not available it may be possible to use other habitats or species as a proxy. It would be helpful to agree the best way to assess the gaps in the literature prior to finalisation of the ES.

b. Lochs Duich, Long and Alsh Special Area of Conservation

The boundary of the SAC lies ~800m from the proposed pier (E of Skye bridge). The site is of European importance for its reefs. This includes both rocky reefs and biogenic reefs. An important area of *Modiolus modiolus* biogenic reef is located south of Kyle Harbour, approximately 2.5km from the proposals.

The EIA would need to assess indirect impacts on this site and to demonstrate that there would be no adverse effect on site integrity. The issues and assessment process will be similar to assessing the MPA described above. Only those aspects where significant effects are likely need be considered in detail. Based on current information it seems likely that avoidance of ballast water discharge inside the SAC and agreement of a robust pollution prevention plan will be two of the key requirements to protect the SAC.

c. Inner Hebrides and the Minches proposed Special Area of Conservation (other cetaceans also considered here)

The proposals lie within the Inner Hebrides and the Minches proposed Special Area of Conservation for harbour porpoise**.** The SAC proposals are currently out to consultation and in the meantime the area has policy protection. Further information on the proposals and advice to support management are available on the SNH website: http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/2016-harbour-porpoise-consultation/ Table 1 in the '*Advice to support management*' document summarises activities considered likely to affect harbour porpoise. The section relating to Ports and Harbours is particularly relevant in this case.

Other species of cetaceans are also present in this area. All cetaceans are European Protected Species. They are likely to be affected by similar aspects of the works and we would also expect them to be considered in the EIA.

The construction methods should be clarified following site investigations including:

- Piling – what type of piles would be installed; how many; impact or vibratory piling; duration of installation.
- Dredging techniques and duration.
- Blasting – what size of charge; how many; over what duration

Appropriate mitigation should be put forward based on relevant best practice guidance including:

- Statutory nature conservation agency piling protocol (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Piling%20protocol_August_2010.pdf
- JNCC guidelines for minimising the risk of disturbance and injury to marine mammals whilst using explosives (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Explosives%20Guidelines_August%202010.pdf

An underwater noise assessment should be carried out including:

- predicted noise levels from all noisy activities (taken from published literature);
- description of the possible noise footprint;
- use of Southall et al (2007) to assess marine mammal injury thresholds plus Lucke et al (2009) for harbour porpoise injury thresholds (full references available on request);
- assessment of disturbance. There are no agreed disturbance thresholds.

However, NOAA interim disturbance thresholds can be used initially to determine whether this needs to be considered in more detail – see http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/threshold_guidance.html

- description of the sound propagation in the area together with rationale as to the propagation model used.

3. **Other marine habitats and species**

The review of existing marine data should also identify any Priority Marine Features which may be affected by the proposals. Priority Marine Features (PMFs) are habitats and species which are considered to be marine nature conservation priorities in Scottish waters. Further information and a link to the adopted list of PMFs is available via http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/ If PMFs are identified their sensitivity to pressures associated with the development should be assessed: information on the FEAST website (see above section) is likely to help with that process.

For example there is one existing data point within the dredge area proposed in Marine Harvest's most recent proposals (see SNH report CR819). This is *Laminaria hyperborea* on tide swept infralittoral mixed substrate which is a PMF. This PMF is not rare, but is functionally important and would be sensitive to dredging. It would be helpful to clarify what habitats are present in the proposed dredge areas via further drop-down or diver survey.

Development Management and Strategic Road Safety
Trunk Road and Bus Operations

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7386, Fax: 0141 272 7350
John.McDonald@transportscotland.gsi.gov.uk

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Victoria Bell
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:

JMP ref:
TS00001

Date:
17/05/2016

MS.MarineRenewables@gov.scot

Dear Sirs,

MARINE (SCOTLAND) ACT 2010 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

SCOPING OPINION REQUEST, FEED MILL FACILITY AT ALLT ANAVIG QUARRY, KYLEAKIN, ISLE OF SKYE.

With reference to your recent correspondence on the above development, we acknowledge receipt of the Proposal Summary submitted by Marine Harvest.

This information has been passed to JMP Consultants Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

Proposed Development and Site Location

We understand that the application is to build a fish feed mill at Allt Anavig Quarry, Kyleakin, Isle of Skye. The nearest trunk road to the site is the A87(T), located adjacent to the site. It is noted that the location of the proposed development allows for raw materials to be delivered directly by sea.

Assessment of Environmental, Noise & Air Quality Impacts

Based on the information supplied, we can confirm that we are satisfied that the type and scale of this project is unlikely to generate any significant environmental impacts on the trunk road network associated with increased traffic.

We note that direct access to the site from the A87(T) is currently being discussed with Transport Scotland. We can therefore confirm that we have no objection to the development proposal on environmental impact grounds but note that access arrangements are still to be agreed.

I trust that the above is satisfactory and should you wish to discuss in greater detail, please do not hesitate to contact Alan DeVenny at JMP's Glasgow Office on 0141 226 6923.

Yours faithfully

[redacted]

John McDonald

Transport Scotland
Trunk Road and Bus Operations

cc Alan DeVenny - JMP Consultants Ltd

ANNEX 2 – SCOPING CHECKLIST

Consultee	No.	Point for inclusion	Section/ Pg ES	Sign

ANNEX 3 – PRE-DREDGE SAMPLE GUIDANCE

marinescotland

T:+44 (0)1224 295579 F: +44 (0)1224 295524
E: MS.MarineLicensing@scotland.gsi.gov.uk

The Scottish Government

MARINE (SCOTLAND) ACT 2010

File Reference No.: FKB/ ……

Sampling/analysis advice form for: [Applicant Name]

Name/location of dredging site: (Location)……

Sampling Method

Grab Sampling 10.1		Core Sampling 10.2	

Summary of Samples analysis required

Number of sampling stations	
Number of grabs/cores* required per station * *delete as appropriate*	
Number of core fractions (see 10.2)	
Total number of samples	

Each sample will be sub-sampled and analysed for:

Metals	PAH	PCBs	TBT	PSA	TOC	Bioassay

Other Material (please specify)	

Total number of analyses to be undertaken (i.e. Total no. of samples x Total no. of analyses)	

Contents

GUIDANCE FOR THE SAMPLING AND ANALYSIS OF SEDIMENT AND DREDGED MATERIAL TO BE SUBMITTED IN SUPPORT OF APPLICATIONS FOR SEA DISPOSAL OF DREDGED MATERIAL

1 Introduction

The purpose of introducing a code of practice for sampling and analysis of sediment/dredged material being undertaken by external parties is to ensure that the data being provided for the licensing authority are fit for purpose. It is not the intention of this document to provide an exhaustive list of guidance since each sea disposal operation is dealt with on a case-by-case basis; however it should be sufficient to initiate a pre-dredge survey strategy.

Applications for the sea disposal of dredged spoil are submitted under the Marine (Scotland) Act 2010. Part of the licensing process for sea disposal operations requires sampling and analysis of sediment/dredged material to be undertaken if existing analytical data for the same dredging area are more than 3 years old. The contaminant concentrations are used to assess the suitability of the dredged material for sea disposal.

2 Sample Station and Location

Table 1 is a general guide to the number of samples required to be collected and analysed for a particular volume of dredged sediment. Capital dredging or areas suspected to have high contaminant concentrations might require more samples to be collected in order to define the spatial extent of the contamination. Cores will be required if the dredge depth is greater than 1m and the sediment is fine grained. The number of core stations will be assessed in a similar way to the above, however the number of samples required will increase in order to identify the temporal extent of the contamination.

The scale of the dredging operation and site history will influence the extent of involvement of Marine Scotland Licensing Operations Team (MS-LOT) in defining the precise location of each of the sample stations. A location might be defined in terms of an annotated chart extract of the dredge area or as a series of latitude and longitude coordinates. If the sea bed is unsuitable for the recovery of a sediment sample, then a sample must be recovered as close to the original position as is practicable. The past and present activities undertaken in the harbour or port will in part control the location of sample stations. Appendix I includes the sampling protocol to be followed when using a grab or coring device.

3 Field Documentation

Each sample station must have a unique sample ID used to label and cross reference sub-samples taken from the same station.

A sample data sheet should include:

- Sample ID e.g. grab sample 1/ABZ/04, core samples 1/ABZ0-15/04, 1/ABZ50-65/04.
- Sample location e.g. Upper Quay, Victoria Dock.

- Sample coordinates in latitude and longitude in degrees minutes and decimals of minutes.
- Sample type i.e. sediment chemistry or sediment biology.
- Field Officer Name and Company Address.
- Date of collection.
- Time of collection.
- Depth of collection.
- Details of any deviation from sampling protocol.

4 Sediment Description

A sediment description sheet should include:

- Colour e.g. brown, grey, black.
- Texture e.g. clay, silt, sand, pebbles (Note the classification scheme).
- Odour e.g. petrochemical, hydrogen sulphide.
- Stratification in the grab or core e.g. depth of oxic/anoxic interface.
- Biota: presence or absence.
- Anthropogenic inputs e.g. note the presence of an oily sheen, scum, paint flecks, coal, slag material etc.
- Estimate quantity of recovered sediment i.e. depth sediment in the grab or length of core.

5 Quantity of Sample Required

In order to undertake the basic chemical analysis 500g of wet sediment should be sufficient to determine metals, polyaromatic hydrocarbons, polychlorinated biphenyls and tributyl tin. However, this amount will increase if whole sediment bioassay or radionuclides are required.

6 Sediment Sample Containers for Chemical Analysis and Whole Sediment Bioassay

Ensure that the sample containers are not filled to capacity as they should be stored frozen – leave approximately 10% of the container volume empty to allow for expansion when frozen. Also keep the threads of all containers free from sediment to maintain a tight seal during storage.

6.1 Metals and Particle Size Analysis

- Wide-mouth opaque polyethylene containers e.g. Medfor Products Ltd Cat. No. 619 (Tel. No. 01252 371181).

6.2 Organic Analysis

- Wide mouth glass jars with aluminium foil (pre-washed with hexane) separating the sample from the lid, or aluminium containers pre-washed with hexane, e.g. de la Pak Cat. No. 5123071 (Tel. No. 01386 554441).

6.3 Sediment Bioassay

- Polythene bags.

7 Sample Storage and Transportation

Ideal standard conditions for the storage and transportation of sediment samples are as follows:

All field-collected sediment samples for chemical analysis should be kept in the dark at a temperature of 4ºC or less after collection, and **frozen as soon as possible** to avoid samples being compromised.

All field-collected sediment samples for biological analysis should be kept in the dark at a temperature of 4ºC.

All field-collected samples that require further processing before storage should be transported to the laboratory as soon as possible, preferably within 24 hr of collection.

Deviation from the above will need to be recorded by the contractor.

8 Sample Analysis

When choosing a contractor consideration should preferentially be given to laboratories that are accredited for the requirements of the work to be undertaken and that have experience in analysing marine sediments. The quality of the analytical procedures provides confidence in the licensing process and procedures used to gather and interpret the analytical results. It is essential that the external party can demonstrate that the sampling and analytical methods used are appropriate, rigorous, repeatable and auditable.

The contractor will need to satisfy the licensing authority that the laboratory used can report on the following standards for chemical analysis:

- Precision of ≤±25% of a matrix matched standard with a determinand concentration of 33% of the Action Level 1 threshold value (Tables 2-4).
- Limit of detection shown in Tables 2-4 calculated as the standard deviation of matrix matched blanks or low standards (n≥7) multiplied by 4.65.
- Percentage recovery reported for all the determinands requested using matrix matched certified materials or when not available spiked samples.

Supplementary information on the following would also be very useful.

- Evidence of ongoing quality control (e.g. Shewhart charts).
- Successful participation in laboratory proficiency schemes.

9 Retention of Samples

Samples must be retained until all the required consents for the operation have been confirmed.

Table 1 - Guide to the number of samples required for pre-dredge analysis

Volume Dredged (m^3)	No. of Samples Required
25,000	3
	4
50,000	5
75,000	6
100,000	7
	8
200,000	9
	10
300,000	11
	12
400,000	13
	14
500,000	15
600,000	16
	17
800,000	18
	19
1,000,000	20
	21
1,200,000	22
	23
1,400,000	24
	25
1,600,000	26
	27
1,800,000	28
	29
2,000,000	30

Table 2 – Sediment QC criteria for trace metal (mg/kg) and TBT (µg/kg) concentrations

Quality Criteria	As	Cd	Cr	Cu	Hg	Ni	Pb	Zn	TBT
33% AL1	6.6	0.1	16.5	9.9	0.1	9.9	16.5	42.9	33.3
Precision (%)	25	25	25	25	25	25	25	25	25
LOD	1.0	0.05	0.2	0.1	0.05	0.2	0.2	2.0	10.0

Table 3 – Sediment QC criteria for chlorinated biphenyl (µg/kg) concentrations

Quality Criteria	CB28	CB52	CB101	CB118	CB153	CB138	CB180	ICES7 CB	TOTAL CB
33% AL1	0.47	0.47	0.47	0.47	0.47	0.47	0.47	3.30	6.80
Precision (%)	25	25	25	25	25	25	25	25	25
LOD	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.7	1.4

Table 4 - Sediment QC criteria for polycyclic aromatic hydrocarbon (µg/kg) concentrations

Quality Criteria	Naphthalene	Phenanthrene	Anthracene
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Fluoranthene**	**Pyrene**	**Benz[a]anthracene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Benzofluoranthenes**	**Benzo[a]pyrene**	**Indenopyrene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Benzoperylene**	**Acenaphthylene**	**Acenaphthene**
33% AL1	33.3	33.3	33.3
Precision (%)	25	25	25
LOD	2.0	2.0	2.0
Quality Criteria	**Fluorene**	**Dibenz[a,h]anthracene**	**Chrysene**
33% AL1	33.3	3.3	33.3
Precision (%)	25	25	25
LOD	2.0	0.5	2.0

Please note that these detection limits are to be used as a guide. Where these detection limits cannot be met, please contact the Marine Scotland Licensing Operations Team (MS-LOT) for approval before undertaking testing: ms.marinelicensing@scotland.gsi.gov.uk. Detection limits **must be below** Revised Action Level 1 (Appendix 2) in order to gain approval.

10 APPENDIX 2

10.1 GRAB SAMPLES: GUIDANCE PROCEDURES FOR THE SAMPLING AND COLLECTION OF PHYSICO-CHEMICAL SEDIMENT SAMPLES

10.1.1 General

10.1.1.1 Where possible all samples from one station should be collected from the same grab sample.

10.1.1.2 Where insufficient sediment is available from one grab sample, further sediment may be taken from an additional sample providing the sample volumes are homogenised prior to sub-sampling.

10.1.2 Sample collection

10.1.2.1 Preferably use a Day or Van Veen grab with stainless steel buckets.

10.1.2.2 Wash the sampling grab between stations to prevent cross-contamination.

10.1.2.3 At all times protect the samples from contamination e.g. vessel exhaust, winch grease, smoking etc.

10.1.3 Sample collection: Metals and particle size

10.1.3.1 Use a polyethylene scoop/spatula to collect the sample.

10.1.3.2 Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.

10.1.3.3 Homogenise the sediment using a polyethylene spatula in a large polyethylene container.

10.1.3.4 Transfer sub-samples to separate smaller polyethylene containers for metal and particle size analysis.

10.1.3.5 All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and **frozen as soon as possible** to avoid samples being compromised.

10.1.3.6 Ensure all sample implements are washed with seawater in between samples.

10.1.4 Sample collection: Organic carbon and organic chemicals including TBT

10.1.4.1 Use a stainless steel scoop/spatula to collect the sample.

10.1.4.2 Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.

10.1.4.3 Homogenise the sediment using a stainless steel spatula in a large stainless steel container.

10.1.4.4 Transfer sub-samples to a suitable glass or metal container and freeze it as soon as possible.

10.1.4.5 All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and **frozen as soon as possible** to avoid samples being compromised.

10.1.4.6 Ensure all sample implements are washed with clean seawater in between samples.

10.1.5 Sample collection: Whole sediment bioassay

10.1.5.1 Use a polyethylene scoop/spatula to collect the sample.

10.1.5.2 Avoid sampling from the edges of the grab. Take the sample from the surface to a depth of 5cm. Record the depth of an anoxic layer if present within the surface 10cm.

10.1.5.3 Sediment should be stored in polythene bags (excluding as much air as possible) and stored in the dark at refrigerated at approximately 4ºC until delivered to the laboratory.

10.2 CORE SAMPLES: GUIDANCE PROCEDURES FOR THE SAMPLING AND COLLECTION OF PHYSICO-CHEMICAL SEDIMENT SAMPLES

10.2.1 General

10.2.1.1 Cores are usually required when the contaminant history of a dredge area is unknown and the depth of dredging exceeds 1m of fine sediment.

10.2.1.2 Sample core intervals are a minimum of 15cm commencing at the sediment surface and then every 50cm thereafter e.g. 0-15cm, 50-65cm 100-115cm etc.

10.2.1.3 A subset of the samples representing the top, middle and bottom of the core is initially chosen for analysis. The remaining samples may be used at a later date to confirm the spatial and temporal extent of elevated contaminant concentrations.

10.2.1.4 Where insufficient sediment is available in the 15cm core extend the depth intervals until sufficient (i.e. 500g) sample is recovered.

10.2.2 Sample collection

10.2.2.1 Preferably use a vibrocore with aluminium or plastic core liners.

10.2.2.2 At all times protect the samples from contamination e.g. vessel exhaust, winch grease, smoking etc.

10.2.2.3 The core intervals must be cut and capped at both ends.

10.2.2.4 Ensure that the core ID, depth interval and orientation are recorded on the core sample.

10.2.3 Sample recovery

10.2.3.1 Divide the core into two equal halves along the length of the core after it is extracted from the liner. Each half can be sub-sampled and homogenised using polyethylene and metal implements as described in 10.1.3.3 and 10.1.4.3 respectively.

10.2.3.2 It is essential to avoid recovering sediment that has been in contact with the core liner and caps. Special attention is required when plastic liners are used and sectioned using a saw in order to avoid the inclusion of frayed plastic liner into the sample.

10.2.4 Sample collection: Metals and particle size

10.2.4.1 Use a polyethylene scoop/spatula to collect the sample.
10.2.4.2 Record the depth of an anoxic layer if present within the depth interval sampled.
10.2.4.3 Transfer sub-samples of the homogenised sample from the larger container using a spatula to separate smaller polyethylene containers for metal and particle size analysis.
10.2.4.4 All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and **frozen as soon as possible** to avoid samples being compromised.
10.2.4.5 Ensure all sample implements are washed with seawater in between samples.

10.2.5 Sample collection: Organic carbon and organic chemicals including TBT

10.2.5.1 Use a stainless steel scoop/spatula to collect the sample.
10.2.5.2 Record the depth of an anoxic layer if present within the depth interval sampled.
10.2.5.3 Transfer sub-samples of the homogenised sample from the larger container using a spatula to separate smaller aluminium or glass containers for organic carbon and organic chemical (including TBT) analysis.
10.2.5.4 All field-collected samples for chemical analysis should be kept at a temperature of 4ºC or less after collection (e.g. insulated box) and **frozen as soon as possible** to avoid samples being compromised. Ensure all sample implements are washed with seawater in between samples.

11 Appendix II

Contaminant	Existing AL1 mg/kg dry weight (ppm)	Existing AL2 mg/kg dry weight (ppm)	Revised AL1 mg/kg dry weight (ppm)	Revised AL2 mg/kg dry weight (ppm)
Arsenic (As)	20	50-100	20	70
Cadmium (Cd)	0.4	2	0.4	4
Chromium (Cr)	40	400	50	370
Copper (Cu)	40	400	30	300
Mercurv (Ha)	0.3	3	0.25	1.5
Nickel (Ni)	20	200	30	150
Lead (Pb)	50	500	50	400
Zinc (Zn)	130	800	130	600
Tributyltin	0.1	1.0	0.1	0.5
Polychlorinated Biphenyls	0.02	0.2	0.02	0.18
Polyaromatic Hvdrocarbons				
Acenaphthene			0.1	
Acenaphthylene			0.1	
Anthracene			0.1	
Fluorene			0.1	
Naphthalene			0.1	
Phenanthrene			0.1	
Benzo[a]anthracene			0.1	
Benzo[b]fluoranthene			0.1	
Benzo[k]fluoranthene			0.1	
Benzo[g]perylene			0.1	
Benzo[a]pyrene			0.1	
Benzo[g,h,i]perylene			0.1	
Dibenzo[a,h]anthracene			0.01	
Chrysene			0.1	
Fluoranthene			0.1	
Pyrene			0.1	
Indeno(1,2,3cd)pyrene			0.1	
Total hydrocarbons	100		100	
Booster Biocide and Brominated Flame Retardents *				

*Provisional Action Levels for these compounds are subject to further investigation.

GENERAL NOTES

1. ALL LEVELS ARE IN METRES RELATIVE TO CHART DATUM.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.
3. CHART DATUM IS 2.73m BELOW ORDNANCE DATUM.
4. MHWS +5.3m CD
   MLWS +0.6m CD

LEGEND

—— —— −7.0 —— —— SEABED CONTOUR

REV	DETAILS	BY	DATE

AMENDMENTS

CLIENT

MARINE HARVEST

PROJECT

KYLEAKIN FEED MILL
MARINE OPTIONS STUDY

Wallace Stone
CONSULTING CIVIL ENGINEERS

GLASGOW
0141 554 8233
glasgow@wallacestone.co.uk

DINGWALL
01349 866775
dingwall@wallacestone.co.uk

HEBRIDES
01851 612454
hebrides@wallacestone.co.uk

DRAWING TITLE

PREFERRED PIER OPTION
DREDGING AND APPROACH
SEABED FEATURES

DRAWN	CHECKED	APPROVED
AS	TR	TR
DATE	DATE	DATE
MAY 2016	MAY 2016	MAY 2016

SCALE (A1) 1:1000

STAGE: FEASIBILITY

REVISION

PROJECT No. 1849

DRAWING No. 108

The Highland Council
Comhairle na Gàidhealtachd

Marine Harvest (Scotland) Ltd
Per: David Biggin
Stob Ban House
Glen Nevis Business Park
Fort William
PH33 6RX

Please ask for: Mark Harvey
Direct Dial: 01478 613823

Our Ref: 16/01492/SCOP
Your Ref:
Date: 02 July 2016

Response sent by e-mail only to: david.biggin@marineharvest.com

Dear David,

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011 REQUEST FOR SCOPING OPINION

PROJECT: Proposed feed plant at Allt Anavig Quarry
PROJECT ADDRESS: Land At Kyleakin Quarry, Kyleakin

I refer to your e-mail of 31 March 2016 requesting a scoping opinion in respect of your proposal to develop a fish farm feed plant.

I would confirm at the outset that any planning application for development as described in your letter **will require** a supporting Environmental Statement (ES).

To assist with this scoping response the Council has consulted the following bodies: -

- Scottish Natural Heritage (response attached)
- Scottish Environment Protection Agency (response attached)
- Ministry of Defence (no response received)
- Marine Scotland Science (response attached)
- Transport Scotland (response attached)
- Maritime and Coastguard Agency (no response received)
- Crown Estates (no response received)

Further additional consultees: -

- Environmental Health (response attached)
- Harbour Master (no response received)
- Building Standards(no response received)
- Contaminated Land (response attached)
- Landscape Officer (response attached)

- Flood Risk Management Team (response attached)
- Development Plans (no response received)
- Coastal Planner (no response received)

All available consultation responses are attached. Please take the more detailed comments into account in the preparation of your final Environmental Statement (ES). Any further responses that are received will be passed on.

You should be aware that authorities highlighted in this letter have obligations to make available any information in their possession relevant to the preparation of your environmental statement, other than information that is capable of being treated as confidential. The bodies may make a reasonable charge to cover the cost of making any requested information available to you.

The ES will be expected to address the impact consequences of the proposal in full. This can only be achieved through the provision of a complete description of the development at the outset with a thorough assessment undertaken on all elements of the proposal. Should the ES be void of essential information this may delay the registration and validation of a future planning application for development.

Applications which are submitted on-line or in electronic form on CD must ensure that files are presented in manageable sizes <5MB and in widely used formats such as JPEG files or pdf files. Developers should be aware that Environmental Statements can be placed on the Council website therefore submissions in a user-friendly PDF format are strongly recommended.

Non-electronic applications will require additional copies of all plans and documents to support your application which recognise the expected consultations to be undertaken by the Council. The final number of plans and documents and the arrangements for submitting these documents should be agreed with the Planning and Development Service.

You will be aware that the submission of an ES requires the preparation of a non-technical summary of the information provided. Such documents help provide an easy to read summary of the key elements of the project and its expected environmental impact. Such submissions should not be used to promote or advertise the development. The Council encourages the development of the full ES report in a concise, easy to read and understandable style, technical (with explanations) but free of jargon. A description of the methodology used in assessing all impacts should be included.

The Council and other statutory consultees also welcome from applicants an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information. Such honest approaches help authorities understand that all best practical steps may have been undertaken to examine a particular issue, rather than it being regarded as an oversight by the applicant.

Finally it is considered good practice to set out within the ES the qualifications and experience of all those involved in collating, assessing or presenting technical information.

[redacted]

Mark Harvey
Planning Team Leader
Skye and Lochalsh

The Highland Council
Comhairle na Gàidhealtachd

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011

SCOPING OPINION

Applicant:	**Marine Harvest Scotland Ltd**
Agent (contact details):	**Per: David Biggin** **Stob Ban House** **Glen Nevis Business Park** **Fort William** **PH33 6RX** **david.biggin@marineharvest.com**
Project:	**Proposed feed plant at Allt Anavig Quarry**
Project Address:	**Land At Kyleakin Quarry, Kyleakin**

This scoping opinion is given without prejudice to the Planning Authority's right to request information in connection with any statement, whether Environmental Statement (ES) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and decision on any planning application received by the Council.

The Highland Council request that any Environmental Statement (ES) submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Scoping Report submitted. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

1.0 Description of the Development.

The description of development for an ES is often much more than would be set out in any planning application. An ES must include: -

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e. connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied.
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the development.

2.0 Alternatives.

A statement is required which outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight some or all of the following: -

- The range of technologies that may have been considered
- Locational criteria and economic parameters used in the initial site selection.
- The environmental effects of the different options examined

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings in the transport context.

3.0 Environmental Elements Effected

The ES must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. In addition, you will be expected to adopt a Construction and Environmental Management Plan (CEMP) approach which will be driven from the ES through to project procurement and construction, guidance on this can be found at http://www.highland.gov.uk/downloads/download/284/other_planning_guidance

3.1 Land Use: - The ES should recognise the existing land uses affected by the development, having particular regard for Highland Council's Development Plan and other supplementary planning policies and Scottish Planning Policy and Planning Advice Notes. In this regard the following Council documents are particularly relevant: -

- Highland Wide Local Development Plan (HwLDP)

For the avoidance of doubt the following Supplementary Guidance forms a statutory part of the Development Plan and must be considered in preparing any application for this proposal:

- Developer Contributions;
- Physical Constraints;
- Sustainable Design Guide;
- Managing Waste in New Developments;
- Highland Statutorily Protected Species;
- Flood Risk and Drainage Impact Assessment;
- Trees, Woodlands and Developments;

All of the above documents can be viewed on the Council's website.

3.2 Ecology and Nature Conservation: The ES should identify all of the likely impacts on nature conservation interests. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. SNH and SEPA have responded on these matters and their responses are attached.

It is recognised that the potential impact of the proposal on the Marine Protected Area for flame shell beds (and the two SACs) relates to a part of the project covered by marine licensing requirements and currently the subject of a separate scoping exercise by Marine Scotland. However, it is considered that the nature of the proposal dictates that

these two processed should be brought together into a single Environmental Statement to ensure that measures to mitigate one set of impacts do not conflict with the analysis and recommendations of other chapters within the ES.

It is noted that Appropriate Assessment may also be required in respect of the SACs and the ES will be an important document in informing the authority's conclusions on this.

In terms of terrestrial protected species, reference should be made to the previous ES carried out on the site in respect of quarry operations. It is noted that protected species were identified to be present at that time but that the heavily modified nature of the quarry itself was considered to offer limited habitat. Consideration will need to be given to the effect of time without active quarrying on these conclusions and the possibility of re-colonisation.

SEPA have highlighted the need to design the plant so that it realises the potential to de-culvert and improve the ecological value of the Allt Anavig burn by creating a new 'natural' channel for it and utilising bridges and bottomless culverts for any crossing of the new channel.

3.3 Pollution Prevention and Control: - SEPA have indicated that a PPC permit (Part A or Part B) will be required for this development. They make the point that it is important that any planning permission granted will need to be compatible with and consentable under these regulations. As such, the constraints associated with these regulations will need to be explicitly identified within the ES in order to show how they impact upon the design and operation of the plant and so the ways in which the proposal impacts upon the environment.

Pollution prevention during construction is also a priority given proximity to the marine SAC. Any permission will require a CEMP be produced. The ES should identify the main construction pollution risks and how they can be mitigated through the CEMP.

3.4 Hydrology and Flood Risk: - SEPA identify the need to address the pollution issue through the SUDS design of the project also – particularly the level of treatment of surface and abstracted water required.

The Flood Risk Management Team have confirmed the need for both fluvial and coastal flooding to be addressed. A 600mm freeboard is required above the 1 in 200 year flood level. As with SEPA, the Allt Anavig culvert is a point of concern for the Flood Team and should not be built over – supporting the need for the ES to address a re-routing and opening of this watercourse.

3.5 Quarry Activity:- SEPA have identified the need to include within the ES any quarrying activity related to the construction of the project. It will be important to place this in the context of future plans for the continuing operation of the quarry (a policy requirement).

3.6 Cultural Heritage: - The ES needs to identify all designated sites which may be affected by the development either directly or indirectly.

3.7 Landscape and Visual Impact: - The Council expects the ES to consider the landscape and visual impact of the development. The Council makes a distinction between the two, and while not mutually exclusive, these elements require separate assessment.

Alongside the ecological impact upon the MPA, the visual impact of the proposal is clearly the main material consideration and environmental impact requiring mitigation. Both SNH and the Council's landscape officer have expressed concern about visual impact in their scoping responses and this is consistent with advice provided during the formal pre-application discussion.

It is recognised that the large scale, massing and overall form of the plant are heavily dictated by operational needs of the various elements of the production process as well as lessons learned by the applicant from a similar Norwegian plant. In itself, this inevitably results in a design which is overtly industrial, functional and utilitarian but which does not respond to its immediate and wider landscape setting.

However, it is important to re-iterate at this Scoping stage that the Council will expect this chapter of the ES, as with the other chapters, to detail how any negative impacts of the proposal have been addressed and mitigated.

In this regard the attached comments from the landscape officer are particularly pertinent. If the general form, position and scale of the proposal are relatively fixed by operational need, then the palette of mitigation tools is relatively limited. She has provided advice in respect of the use of colour and also an example of how the form and shape of the building could be augmented through the incorporation of a shaped roofing element. These and other visual mitigation ideas should be discussed within this chapter of the ES and should inform the final design proposed in the application. The Policy 29 requirement that "*.....New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located.....*" should be a starting point for this chapter.

Viewpoints and Visualisations: Viewpoints (VP) for the assessment of the visual impact of the proposed development must be agreed in advance of preparation of any visuals with The Highland Council in consultation with Scottish Natural Heritage (SNH). The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. For example, it should be clear that the VP has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for assessment of impact on designated sites, communities or individual properties.

The landscape officer has indicated that further visualisations should be included and SNH have identified that particular consideration should be given to the following locations:

- Skye Bridge
- Eilean Ban
- Plock of Kyle
- Railway/road at Badicaul
- Kyle harbour/waterfront
- From the water on the route taken by boats accessing Kyle harbour or travelling under the bridge

The Council has Visualisation Standards which the applicant **must** adopt when presenting information on the expected visual impact of the development. The standards can be found at;
http://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

Visualisations to the Council Standards shall be included as part of the ES and not an addition to it. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The preferred focal lengths are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint.

Viewpoints within 5 kilometres of a development shall be precisely identified on an A4 size Ordnance Survey extract at 1:25000 scale. The position of the development and the proposed field of view of photography shall be shown on the map. Viewpoints located more than 5km from a development shall be identified on an A4 size Ordnance Survey extract at 1:50,000 scale and the development and the proposed field of view of photography shall be shown on the map.

3.8 Noise: - *Operational Noise* - The applicant will be required to submit a noise assessment with regard to the operational phase of the development.

Construction Noise - A construction noise assessment should be submitted and it should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". It is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Details of any mitigation measures should be provided including proposed hours of operation.

3.9 Socio-economics: Estimations of who may be affected by the development, in all or in part should be included. This may require individual households to be identified, local communities or a wider socio economic groupings such as tourists & tourist related businesses, recreational groups, economically active, etc. to be included. The ES should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development. This should set out the impact on the regional and local economy, not just the national economy. Any mitigation proposed should also address impacts on the regional and local economy.

At this stage we would ask that any adverse physical impacts on outdoor access are minimised through accommodation of public access on existing tracks and managing continued access across the site. In line with the policies and provisions of the Highland-wide Local Development Plan a plan detailing the following should be submitted as part of the ES:

- Existing public non-motorised public access footpaths, bridleways and cycleways on the site and any proposed access route from the public road infrastructure;
- Proposed public access provision both during construction and after completion of the development, including links to existing path networks (where appropriate) and to the surrounding area, and access points to water); and
- Impacts of the proposed development on the core path network and proposed mitigation if any.

Appendix 5 of Scottish Natural Heritage's Handbook on environmental impact assessment shows the breadth of outdoor access issues to take into consideration. There is also good advice to be had in their Brief Guide to preparing an Outdoor Access

Plan.

3.10 Transport and Access: - A Transport Assessment should be submitted as part of the planning application detailing proposed routes and volumes for both construction and operational related traffic. This Transport Assessment should also identify potential impacts of this traffic on local transport infrastructure and measures to mitigate these impacts. Matters to be included in the Transport Assessment/Transport Statement include the following which is provided as a guide:

- Identify all public roads affected by the development. In addition to transport of major components this should also include routes to be used by local suppliers.
- Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:
    - assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as required.
    - road surface condition and profile
    - assessment of structures and any weight restrictions
    - road widths, vertical and horizontal alignment and provision of passing places;
    - details of adjacent communities
- Traffic resulting from the proposed development including: -
    - nos. of light and heavy vehicles
    - abnormal loads. In respect of long loads trial runs are required.
    - duration of works
- Current traffic flows including use by school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.
- Impacts of proposed traffic including: -
    - impacts on carriageway, structures, verges etc.
    - impacts on other road users
    - impacts on adjacent communities
    - swept path and gradient analysis where it is envisaged that passage of traffic could be problematic.
- Cumulative impacts with other developments in progress and committed developments.
- Proposed mitigation measures to address impacts identified above including: -
    - details of the proposed site access at its junction with the
    - public road to the standards set out in The Highland Council's Roads and Transportation Guidelines for New Developments available on the Councils website.
    - carriageway strengthening
    - strengthening of bridges and culverts

  - carriageway widening and/or edge strengthening
  - provision of passing places
  - road safety measures
  - traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.
- Details of residual effects.

You are advised, prior to the preparation of this chapter of the ES to also discuss the matter with Transport Scotland, as trunk roads authority.

3.11 Construction Dust: - Environmental Health have indicated a need to address this issue within the ES.

3.12 Contaminated Land: - the Council's preference would be for this matter to be addressed at this pre-application stage through site investigation. The results of this will either scope out the issue from the ES or allow the mitigation of any issues to be fully addressed as part of the ES.

4.0 Significant Effects on the Environment

Leading from the assessment of the environmental elements the ES needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;
- the use of natural resources;
- the emission of pollutants, the creation of nuisances and the elimination of waste,

The potential significant effects of development must have regard to: -

- the extent of the impact (geographical area and size of the affected population);
- the trans-frontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact;
- the duration, frequency and reversibility of the impact.

The effects of development upon baseline data should be provided in clear summary points.

The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative or strong negative.

The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reduce and where possible

offset any significant adverse effects on the environment must be set out within the ES statement.

The mitigation being tabled in respect of a single development proposal can be manifold. Consequently the ES should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP) which in turn will set the framework for individual Construction Method Statements (CMS).

The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the ES or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.

Our ref: PCS/146138
Your ref: 16/01492/SCOP

If telephoning ask for:
Cerian Baldwin

13 April 2016

Mark Harvey
The Highland Council
Kings House
The Green
Portree
Isle of Skye
IV51 9BT

By email only to: epc@highland.gov.uk

Dear Mr Harvey

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
Scoping consultation
Proposed feed plant at Allt Anavig Quarry Land At Kyleakin Quarry, Kyleakin

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 6 April 2016. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice to the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. The information requirements we set out below are identical to that which we supplied as part Highland Council's Major Application meeting. To **avoid delay and potential objection,** the information outlined below and in the attached appendix must be submitted in support of the application.

In summary this must include:

a) Details of proposed materials and technology to be used in the manufacturing processes and emissions;

b) Map showing assessment of all engineering works within and near the water environment including buffers supported by a flood risk assessment;

c) Map of proposed waste water drainage layout;

d) Map of proposed surface water drainage layout;

e) Map of proposed water abstractions including details of the proposed operating regime;

f) Map and table detailing forest removal;

g) Schedule of mitigation for construction including pollution prevention measures;

h) Quarry Site Management Plan of pollution prevention measures;

Further details on these information requirements and the form in which they must be submitted can be found below.

There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection.**

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1 Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible to minimise the extent of new works on previously undisturbed ground.

2. Consentability under environmental regulations

2.1 The proposal will require a permit under PPC. Depending on the scale it will either need a Part A or Part B permit for the production of animal feed using animal or vegetable matter. The qualifying threshold relates to the raw material used. We will regulate odour, dust and potentially noise during the operation of the site. Should a Part A permit be required we will control any discharges through PPC. Should a Part B permit be required then we will control discharges through The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR). We note there is an existing abstraction licence under CAR (CAR/L/1011948) from the onsite lagoon. Any additional abstractions from the sea or the watercourse will require authorisation from us.

2.2 Given the marine designations adjacent and close to the site and the interrelationship between the above issues and the marine environment, it will be important to consider consentability during the planning application determination. For example the regulated processes will impact upon issues such as discharges or abstractions to/from the Marine Protected Area or the stack height and building design in relation to landscape issues. This may be particularly important should Appropriate Assessment be required for impacts upon the environmental designations.

2.3 In order to advise on consentability, we will need a certain level of information at the planning application stage however we cannot do this based on the outline information submitted to date. We would like to advise the applicant on what information we will need early in the design process when the design is still fluid and can be changed. In order to do this we need further details on the materials, processes and technology involved. In the first instance we strongly recommend the applicant seeks a meeting with us in the near future to

discuss this and then we would hope to provide more detailed pre-application advice.

2.4 Comments on noise and dust during construction should be sought from Environmental Health.

3. Engineering activities in the water environment

3.1 We note the initial layout shows buildings on top of the Allt Anavig and existing culvert. We appreciate this is an early draft layout however the site layout must be designed to avoid impacts upon the water environment. In this instance there is an opportunity to de-culvert the Allt Anavig whilst maximising the site space through possibly moving the existing culverted section westwards. The applicant should design the layout to de-culvert the Allt Anavig, locate it at least 10 m away from any buildings or yard areas, design the channel to be as natural as possible to improve ecological value and install a bridge or bottomless culvert for any watercourse crossings.

3.2 The planning submission must include a map showing:

a) all proposed temporary or permanent infrastructure overlain with all lochs, ponds, lagoons and watercourses;

b) a buffer of at least 10 m drawn around each water feature. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the water feature, drawings of what is proposed in terms of engineering works.

c) detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

3.3 If water abstractions or dewatering are proposed, a table of volumes and timings of abstractions and related mitigation measures must be provided.

3.4 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.

3.5 For information, guidance should be sought from Marine Scotland with regards to the engineering works within the marine environment. We will regulate all water engineering works above Mean High Water Springs (MHWS) but works below this fall to Marine Scotland. We do however regulate abstractions and discharges below MHWS and therefore will work with Marine Scotland and SNH on any issues pertaining to their interests.

4. Flood risk

4.1 As detailed above, the Allt Anavig flows through this site and is partially culverted before it drains to the sea. The site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Fluvial Flood Map and adjacent to the SEPA Coastal Flood Map, and may therefore be at medium to high risk of flooding.

4.2 Scottish Planning Policy clearly states (paragraph 255) that "the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas". It further

defines (glossary) that "For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year". Built development should not therefore take place on the functional flood plain.

4.3 In addition to the water engineering comments above, from a flood risk perspective, it would be unacceptable to build on top of the Allt Anavig or on top of a culvert. As detailed above, development must located away from the Allt Anavig and outwith the 1 in 200 year flood plain which would need to be determined in a Flood Risk Assessment (FRA). Watercourse crossings should be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows.

4.4 In addition as the site is adjacent to the SEPA Coastal Flood Map then coastal flood risk must be assessed as part of the FRA. For information, an approximate 1 in 200 year water level for the area is 4.03mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location.

4.5 As part of a Flood Risk Assessment a topographic survey of the site would be required to demonstrate that the site is above the 1 in 200 year water level for the area, 4.03mAOD, (based on extreme still water level calculations using the CFB Method) plus a recommended freeboard. We recommend a minimum freeboard of 600mm but advice on the appropriate levels of freeboard for the area to take account of this should be sought from Highland Council's Flood Team. For areas outwith the Allt Anavig flood plain but adjacent to the SEPA Coastal Flood Map land raising would be a feasible option. We also appreciate the some elements of the scheme such as the pier and associated works need to be located within the coastal flood plain for operational reasons. This should be detailed in the FRA.

4.6 As discussed at the meeting, due to the artificial levels of the quarry floor, groundwater flooding may be an issue. Ground investigations should be carried out to determine the level of the water table in relation to the proposed ground levels. Should it be determined that groundwater may pose a flood risk then should be assessed within the FRA.

4.7 We offer guidance to the applicant on the completion of a Flood Risk Assessment in the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf. Please note that this document should be read in conjunction with Part 2 of SEPA Policy 41: "Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol", available from Guidance and advice notes | Scottish Environment Protection Agency (SEPA).

4.8 In addition our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls

5. Surface water drainage

5.1 Surface water runoff must be treated by sustainable drainage systems (SUDS) therefore is important to ensure that adequate space to accommodate SUDS is incorporated within the site layout.

5.2 Proposals must meet the treatment requirements of CIRIA C753. A site plan showing the proposed SUDS treatment train must be submitted. The Simple Index Approach calculation (Section 26.7.1 of the guidance) must be submitted in support of the site plan, and the online tool may be used to assist in this. Where the development has a high pollution hazard level, a detailed risk assessment (Section 26.7.3) must be submitted.

5.3 We note the need for cooling and cleaning water. Rainwater harvesting and water recycling must be utilised to supplement the existing abstraction. This will help limit scale of SUDS required and perhaps limit the need for sea water abstraction thus limiting works in the marine environment.

5.4 Comments on the acceptability of post-development runoff rates for flood control should be sought from the local authority flood prevention unit, and not from SEPA.

6. Forest removal and forest waste

6.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality.

6.2 The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

7. Pollution prevention and environmental management

7.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.

7.2 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques, regulatory requirements, the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals to fund a planning monitoring enforcement officer.

7.3 In this site specific instance given the proximity to designated sites and the scale of construction works required, discharges from temporary welfare facilities during construction should be to sealed units and removed off site via licensed carriers.

7.4 Please refer to the Pollution prevention guidelines for general guidance on managing construction works.

8. Quarry operation

8.1 Should it be proposed to extract the mineral deposits prior to construction then an updated Site Management Plan must be submitted. It may be the existing site operator already has one however this would need to be updated to include any changes to operations and must include the following information:

a) A map showing all proposed excavations, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas;

b) A site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10 m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works;

c) A detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds;

d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table;

e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions;

g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;

h) A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time.

i) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Governments Development on Peat: Site Surveys and Best Practice) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO_2.

j) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used;

8.2 In addition to the information requirements set out within SPP and PAN 50 Controlling the Environmental Effects of Surface Mineral Workings, applicants will need to consider if their proposal will include an extractive waste area or an extractive waste facility under the terms set out in the Management of Extractive Waste (Scotland) regulations 2010. The applicant should refer to Guidance for The Management of Extractive Waste (Scotland) Regulations 2010.

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at planning.dingwall@sepa.org.uk.

Yours sincerely

Cerian Baldwin
Senior Planning Officer
Planning Service

ECopy to: mark.harvey@highland.gov.uk; david.biggin@marineharvest.com

marinescotland
science

T: +44 (0)1224 876544 F: +44 (0)1224 295511
Email: MS.FFPlanning@gov.scot

The Scottish Government
Riaghaltas na h-Alba

Our ref: FFP-16-039
Your ref: 16/01492/SCOP

18/04/2016

Dear Mr Harvey,

Proposed Feed Plant at Allt Anavig Quarry, Isle of Skye by Marine Harvest (Scotland) Ltd.

We have reviewed the application submitted and offer the following comment:

Marine Scotland Science has no specifc comment to make regarding the proposed feedplant at Allt Anavig Quarry, Isle of Skye, however the following information may be useful to the Local Authority when considering the application.

There are currently no aquaculture sites registered with Marine Scotland Science or, to our knowledge, proposed in the planning system located in the immediate vicinity of the feed plant at Allt Anavig Quarry proposed by Marine Harvest Ltd. (see map on page 2).

There are a number of aquaculture sites registered with Marine Scotland Science located in the surrounding area. The closest active marine finfish cage site is situated ~5 km east of the proposed works; it is an active Atlantic salmon site operated by the applicant. In addition there is an inactive Atlantic salmon site situated ~4.5 km south east of the proposed works, also operated by the applicant.

The closest active shellfish sites are situated ~6 km and 7 km north west of the proposed works and are Common mussel sites operated by Moidart Shellfish Ltd. In addition there are 3 inactive shellfish sites situated within 3.5 km of the proposed works. Two are situated to the north of the proposed works and are inactive King scallop and Pacific oyster sites operated by Omega Scallops. The third is situated to the west of the proposed works and in is an inactive King scallop site operated by James A. Fraser Shellfish.

There are several land based freshwater sites displayed on the map but these are not expected to be affected by this development.

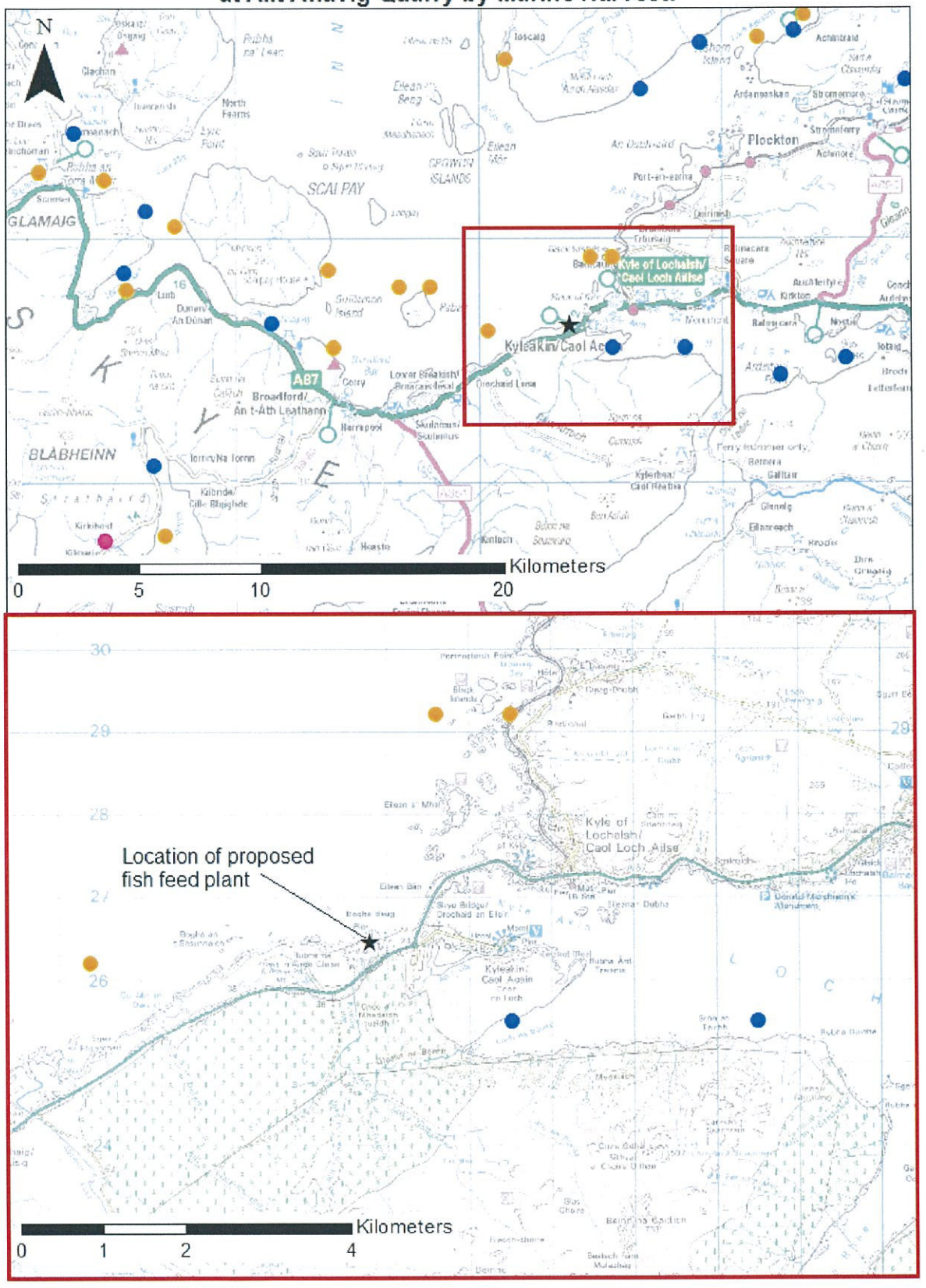
Yours sincerely

Marine Scotland Science

Attached:
Map showing the location of aquaculture sites in the vicinity of the proposed fish feed plant at Allt Anavig Quarry

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland

Location of aquaculture sites in the vicinity of the proposed fish feed plant at Allt Anavig Quarry by Marine Harvest.



marinescotland
science
April 2016 JMM

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland

MEMORANDUM

To:	Planning & Development Services		
FAO:	Mark Harvey		
From:	Flood Risk Management Team, Dingwall		
Subject:	Planning Advice		
Date:	19/04/2016		
Your Ref:	16/01492/SCOP		
Please ask for:	R Bryan	***Tel:***	01349 868800

Proposed feed plant at Allt Anavig Quarry | Land at Kyleakin Quarry, Kyleakin

The Flood Risk Management Team has the following comments to make in relation to flooding and drainage. Please note all comments are based upon requirements outlined in *Scottish Planning Policy (SPP)* and The Highland Council's *Supplementary Guidance: Flood Risk and Drainage Impact Assessment.*

FLOODING AND DRAINAGE

i) We are satisfied that a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) have been scoped in. The FRA will need to consider both fluvial and coastal flood risk at the site. We would not accept any development in the functional fluvial floodplain (1 in 200 year probability flood) and all buildings will require 600mm of freeboard above the predicted flood level.

ii) Particular attention should be paid to the culverted section of the Allt Anavig that runs under the site. We would not be able to support any proposals that build over this watercourse. In line with the Council's Guidance, a 6m buffer, measured from the bank of the watercourse, shall be kept free of development. This includes culverted sections.

iii) The DIA shall consider how surface water on the site will be managed; this should include proposals to mitigate against any surface water flood risk identified that may originate from out-with the site.

iv) Please see The Highland Council's *Supplementary Guidance: Flood Risk and Drainage Impact Assessment* for further details of the information we would expect to be included in the FRA and DIA for a project of this size. These guidelines should be

followed to help ensure that we receive all the required information to properly assess a future planning application.

MEMORANDUM

To:	**EPC, Development & Infrastructure Service, HQ (email only)**
Cc:	
From:	Contaminated Land, Community Services, 38 Harbour Road, Inverness IV1 1UF
Subject:	Proposed feed plant at Allt Anavig Quarry, Land At Kyleakin Quarry, Kyleakin
Date:	13/04/2016
Our Ref:	16/01491/SCRE & 16/01492/SCOP
Please ask for:	**Nicola MacKenzie** Tel: (01463) 228746

Our records indicate that the site has an historic use as quarry, which if in-filled, may have resulted in land contamination.

I therefore recommend that the following condition be attached to any permission granted:

CN01C. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
c) measures to deal with contamination during construction works;
d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

REASONS - CONTAMINATION

CN01R. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Community Services
The Highland Council, 38 Harbour Road, Inverness, IV1 1UF
Tel:01463 228700 Fax:01463 223723 E-mail: land.contamination@highland.gov.uk

I advise the Applicant be contacted with a request that they provide, by way of an assessment of potential contamination issues, site history information concerning the past use of the site. Please forward any such site history which you receive to the Contaminated Land Team so that we are able to advise if it is sufficient to demonstrate that the site is suitable for use. **Provided the site history is detailed, and does not indicate former potentially contaminative land use, a site investigation may not be required.**

Please do not hesitate to contact me should you or the Applicant have any queries

Community Services
The Highland Council, 38 Harbour Road, Inverness, IV1 1UF
Tel:01463 228700 Fax:01463 223723 E-mail: land.contamination@highland.gov.uk

From: Stephen Cox
To: Epc
Cc: Mark Harvey
Subject: Proposed Feed Plant Kyleakin 16/01492/SCOP
Date: 03 May 2016 16:06:32

I refer to your consultation regarding the above application.

I understand that the proposed development will require a permit from SEPA and therefore odour, dust and noise will be regulated by the Agency when the plant is operational. I therefore do not intend to comment on these matters other than the applicant should refer to the newly issued LAQM Technical Guidance LAQM.TG(16) when making their air quality assessment.

However, noise and dust will fall within the remit of Environmental Health during construction and The Environmental Impact Assessment (EIA) process must include an assessment of noise and dust during the construction stage including proposed mitigation methods.

Regards

Stephen Cox
Environmental Health Officer
Community Services - Skye
Portree Industrial Estate
Dunvegan Road, Portree, Isle of Skye, IV51 9HL
Tel: (01478) 612727 Fax: (01478) 612255

Development Management and Strategic Road Safety
Trunk Road and Bus Operations

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7386, Fax: 0141 272 7350
John.McDonald@transportscotland.gsi.gov.uk

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Mark Harvey
The Highland Council
Planning Department

epc@highland.gov.uk

Your ref:
16/01492/SCOP

JMP ref:
TS00001

Date:
13/04/2016

Dear Sirs,

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011

PROPOSED FEED PLANT AT ALLT ANAVIG QUARRY KYLEAKIN QUARRY, KYLEAKIN

With reference to your recent correspondence on the above development, I wish to inform you that from 1st October 2015, planning authorities are no longer required to consult with Scottish Ministers on EIA development.

Historic Scotland has merged with Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) to form Historic Environment Scotland (HES). HES is named as both a statutory consultee in the planning system and as a consultation body for Environmental Impact Assessment (EIA) purposes. Planning authorities are required to make their own arrangements for consulting HES directly on EIA development. Further information on these wider changes can be found in Historic Environment Circular 1.

In light of the above changes, the Scottish Government has taken the opportunity to streamline EIA consultation arrangements such that Transport Scotland will no longer respond to EIA consultations in a statutory capacity. Planning Authorities must, however, continue to consult Transport Scotland on applications where required by Regulation 25 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. These consultations should be sent to Transport Scotland's Development Management Team.

It should be stressed that this response relates only to the EIA consultation and Transport Scotland will respond separately to the planning application for this development by means of a TRNPA2 if formally consulted. It is noted that no details of the access proposals are included within the supporting information. It is stressed that any proposed amendments to the trunk road will require discussion and agreement with Transport Scotland.

I trust that the above is satisfactory, however, should you wish to discuss any issues raised in greater detail, please do not hesitate to contact myself on 0141 272 7386.

Yours faithfully

[redacted]

John McDonald

Development Management
Network Operations
Trunk Road and Bus Operations

cc Alan DeVenny – JMP Consultants Ltd

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Planning and Development
The Highland Council
Tigh Na Sgire
Park Lane
Portree
IV51 8GP

FAO: Mark Harvey

Your ref: 16/01492/SCOP

12 May 2016

Dear Mark

EIA scoping for proposed fish feed plant at Allt Anavaig quarry, Kyleakin, Isle of Skye Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

Thank you for your consultation dated 6 April 2016 requesting our EIA scoping advice on the above proposal and for allowing additional time for us to consider the proposals.

1. Background

We took part in the major applications pre-application meeting for this proposal in March 2016. The development requires both planning permission and a Marine Licence (and other permissions). At the meeting it was agreed that a single Environmental Statement (ES) should be produced covering the requirements of all regulatory processes.

In addition to your scoping consultation, a separate EIA scoping exercise is currently being carried out by Marine Scotland covering the Marine Licensing process. A lead body has not yet been identified and therefore we comment here on both marine and terrestrial aspects that fall within our remit.

We responded to an EIA consultation for Allt Anavaig quarry in 2009. Many of the surveys carried out for that ES are relevant to the current proposals but require updating.

2. Summary

Our advice is that the proposed development is likely to have significant effects on the environment, including on sensitive areas. Key natural heritage issues arising from this development include effects on:

- The designated features of Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area, particularly the flame shell bed;
- Reefs in Lochs Duich, Long and Alsh Special Area of Conservation;
- Cetaceans, including harbour porpoise within Inner Hebrides and the Minches proposed Special Area of Conservation;
- Landscape and visual impacts particularly relating to Kyle – Plockton Special

Landscape Area.

In addition, terrestrial protected species surveys are likely to be necessary.

3. Our comments on the developer's proposal summary

Marine Harvest has provided a document summarising their proposals and suggesting components to include in an EIA. Those proposals cover the main topic areas but much of the detail regarding scope and methodologies has been deferred to future discussions.

We are prepared to be involved in further discussions but would welcome a managed approach led by the relevant regulator. A number of the components of the EIA are likely to require specialist contractors, particularly marine impacts and landscape. As a starting point, it would be helpful for the developer or their specialist contractor to propose methodologies for us to comment on.

Annex A of this letter provides further detail to assist with the EIA process.

Should you have any queries about this letter please contact me at the address above.

Yours sincerely

Alex Turner
Area Officer
Skye and Lochalsh, South Highland
alex.turner@snh.gov.uk

Annex A – details to assist with the EIA for Fish Feed Plant at Kyleakin Quarry

1. **Guidance for assessing impacts on the natural heritage**

We have a variety of guidance on our website, covering topics such as protected areas, landscape and protected species. We would expect the applicant to follow the latest guidance as published on our website via http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/ Guidance on the EIA process is also available, including a link to our EIA handbook - http://www.snh.gov.uk/planning-and-development/environmental-assessment/eia/

2. **Service Statement**

Our Service Statement sets out the level of engagement that both the planning authority and developer can expect from us during the planning process. The Service Statement is available on our website via http://www.snh.gov.uk/planning-and-development/approach/

3. **Designated sites**

a. **Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA)**

The proposals to lengthen the existing pier and dredge a berthing pocket mean works would extend into Lochs Duich, Long and Alsh NC MPA. This site is of national importance for its flame shell beds and burrowed mud habitats. Impacts on both habitats should be assessed in the Environmental Statement.

Existing benthic data should be collated and assessed. The National Marine Plan Interactive (NMPi) website contains information derived from surveys carried out by SNH, the Joint Nature Conservation Committee (JNCC), Marine Scotland and others. http://www.gov.scot/Topics/marine/seamanagement/nmpihome
The Documents relating to the MPA including a summary of available data and management options paper are available on our website at http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/mpas/mpa-dla/. We have previously provided Marine Harvest with maps showing the available data points close to the development and can provide further detail on request.

MHS commissioned a diver survey in January 2016 and two transect were surveyed in the vicinity of the proposed pier and dredging area. The results of this survey should be presented in the ES and associated photos/videos should be provided as supplementary information. The survey showed that a high quality flame shell bed extends from the deeper water to 9.5m BCD which corresponds with the end of the proposed pier. Flame shell coverage was close to 100%. The data is consistent with existing MPA data on flame shell distribution. In our view further survey is not essential and the EIA assessment could be based on an assumption that the sea bed below 9.5m BCD is uniform high quality flame shell bed. However further survey data may be required in order to fully assess the wider benthic impacts (see below) depending on the scale of the impacts predicted by the modeling.

The proposals are clearly '*capable of affecting [the interests of the MPA] other than insignificantly*'. Regulators will need sufficient information to assess whether there is a '*significant risk of hindering the achievement of the conservation objectives*'.
The Conservation objectives are laid out in the Designation Order (http://www.scotland.gov.uk/Resource/0045/00456828.pdf) and include objectives to:

- Maintain or increase the extent of habitat;
- Maintain a healthy structure and function;
- Maintain the diversity and abundance of characteristic species.

We would expect the EIA to include an assessment of both direct and indirect impacts on the interests of the MPA at all stages of the development. Direct impacts involve the loss of flame shell habitat from construction of the pier and associated dredging. It is important to clarify the length and shape of pier required at the outset or to assess a series of possible options.

Assessment of indirect impacts will likely be informed by modelling of changes in water movement and resulting changes in bathymetry and bed sediment. There should be separate modelling for construction and operational phases. Key aspects are as follows (many of which will interact):

- Changes in water movement due to new pier and dredged area. This will vary with pier design (which should also be considered as part of mitigation).
- The extent and degree of siltation likely to arise from the dredging and construction phases. The frequency of maintenance dredging should be defined as well as the disposal location for dredged material.
- The effects of propeller wash from supply/distribution ships, taking into account size and design of ships, frequency of visits to the pier, any amplification caused by the shallow water, large ships turning to berth.
- The location of discharge points for waste/effluent from shore activities. Levels of effluent treatment should be defined and, if levels are significant, the dispersal of plume should be modelled.
- Clarification regarding the need for seawater cooling. If required, provide details of the location and temperature of discharged water.
- The development of an appropriate pollution prevention plan covering fuel, chemical, raw material and feed spills.
- The potential anchoring of ships in the channel or elsewhere during construction, dredging and operation. This should include consideration of any mechanisms available for controlling anchoring associated with the facility.
- The discharge of ballast water and potential transfer of invasive non-native species.

Preferred methodologies to assess these aspects should be put forward for consideration by SNH, Marine Scotland and SEPA. It is likely that input from specialist consultants will be required.

Once the extent and scale of impacts have been predicted and quantified these can be assessed against known sensitivities of flame-shell beds. A summary of current understanding regarding sensitivity to various pressures is available via the FEAST (Feature Activity Sensitivity Tool) section of the Marine Scotland website http://www.marine.scotland.gov.uk/FEAST/FeatureReport.aspx This information provides a useful starting point but a specialist contractor is likely to be required to carry out a review of scientific literature and research. Where studies specific to flame shell beds are not available it may be possible to use other habitats or species as a proxy. It would be helpful to agree the best way to assess the gaps in the literature prior to finalisation of the ES.

b. **Lochs Duich, Long and Alsh Special Area of Conservation**

The boundary of the SAC lies ~800m from the proposed pier (E of Skye bridge). The site is of European importance for its reefs. This includes both rocky reefs and biogenic

reefs. An important area of *Modiolus modiolus* biogenic reef is located south of Kyle Harbour, approximately 2.5km from the proposals.

The EIA would need to assess indirect impacts on this site and to demonstrate that there would be no adverse effect on site integrity. The issues and assessment process will be similar to assessing the MPA described above. Only those aspects where significant effects are likely need be considered in detail. Based on current information it seems likely that avoidance of ballast water discharge inside the SAC and agreement of a robust pollution prevention plan will be two of the key requirements to protect the SAC.

c. **Inner Hebrides and the Minches proposed Special Area of Conservation**

The pier lies within the Inner Hebrides and the Minches proposed Special Area of Conservation for harbour porpoise. The SAC proposals are currently out to consultation and in the meantime the area has policy protection. Further information on the proposals and advice on management are available on the SNH website: http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/2016-harbour-porpoise-consultation/ Other species of cetaceans are also present in this area. All cetaceans are European Protected Species. They may be disturbed and/or displaced by construction work, especially pile driving and/or rock blasting and possibly dredging. A disturbance licence may be required from Marine Scotland for this type of work.

The construction methods should be clarified following site investigations. The type of piling (impact vs vibrating hammer) or drilling should be defined. Dredging techniques and any rock blasting requirements should also be detailed. An underwater noise assessment should be carried out and appropriate mitigation put forward based on relevant best practice guidance including:

- Statutory nature conservation agency piling protocol (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Piling%20protocol_August_2010.pdf
- JNCC guidelines for minimising the risk of disturbance and injury to marine mammals whilst using explosives (August 2010): http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Explosives%20Guidelines_August%202010.pdf

4. **Other marine habitats and species**

The review of existing marine data should also identify any Priority Marine Features which may be affected by the proposals. Priority Marine Features (PMFs) are habitats and species which are considered to be marine nature conservation priorities in Scottish waters. Further information and a link to the adopted list of PMFs is available via http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/ If PMFs are identified their sensitivity to pressures associated with the development should be assessed: information on the FEAST website (see above section) is likely to help with that process.

5. **Landscape and visual impacts**

We agree with MHS that a Landscape and Visual Impact Assessment should be carried out by a chartered landscape architect. This should follow the latest guidance - Guidelines for Landscape and Visual Impact Assessment (3rd edition) It should include an assessment of how the proposals would affect the special qualities of the Kyle – Plockton Special Landscape Area: https://www.highland.gov.uk/downloads/file/2937/assessment_of_highland_special_landscape_areas

We are content for the viewpoints to be agreed between the Landscape Architect and Highland Council. However, we recommend that the following viewpoints be considered:

- Skye Bridge;
- Eilean Ban;
- Plock of Kyle;
- Railway/road at Badicaul
- Kyle harbour/waterfront;
- From the water on the route taken by boats accessing Kyle harbour or travelling under the Skye bridge.

6. Terrestrial protected species

Habitat and species surveys were carried out in 2007 as part of the Environmental Impact Assessment for Kyleakin quarry. The 2009 Environmental Statement provides useful information on the habitats and species present which help to focus the current EIA process. Some of that information could be re-used in the current ES subject to clarification of data ownership and review/updating. A number of protected species were recorded as detailed below, including bats and otters which are European Protected Species.

In 2007, otter resting sites were identified within the current application area. However the data is now too old to be use in support of a planning application or otter licence application. We therefore advise that a new survey should be carried out as detailed on our website: http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/otters/assessing/ If otters could be affected by the proposal then a species protection plan should also be produced.

Bats were found to be feeding on site, possible roost sites (in mature trees) were surveyed but no breeding or resting sites were identified. We recommend that the existing information be reviewed in the light of the current proposals and any changes to the habitat over the intervening years. Follow up inspections of mature trees with suitable hollows should be carried out if they may be felled as part of the proposals.

Adder, slow worm and a sand martin colony were also recorded on the quarry site but these were not within the current application area. Pine marten were not recorded but are known to be present in the Kyleakin area. Based on the current proposals it seems unlikely that detailed surveys are necessary but we recommend that a walkover survey be carried out of the application area to assess whether these or any other protected species may be present.

We expect all species surveys to be undertaken by suitably qualified field ecologists in accordance with standard methodologies which can be found on our website at http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-animals/ These methods should be detailed along with the results and any mitigation measures in the ES, in a confidential annex if necessary.

7. **Terrestrial habitats**

Based on the 2007 Phase 1 habitat survey the application site appears to be heavily modified with few habitats of nature conservation importance. Semi-natural woodland and scrub occurs around the margins of the site and this should be protected. We recommend that this information should be reviewed as part of a walkover survey. However we do not require any further surveys (e.g. NVC).

Marine Harvest – Kyle Feed Mill Proposal.

Having looked at the revised layout visualisations I note the following:

- The building appears to have been moved forward on the site, closer to the shore. This results in a greater prominence and increase in perception of the scale of the development. This in turn makes the building mass and appearance more difficult to reconcile with an already challenging site.

- The scale of the building dominates and detracts from views of the Skye bridge from the Badicaul viewpoint.

- The remaining visualisations depict the main mass of the building as though it completely blends with the background, leaving only the silos and stack prominent. This seems an unrealistic prospect and does not accord with the general practice that visualisations and assessment of visual impacts should reflect a 'worst case scenario'.

- The Murchison Memorial viewpoint indicates visibility of silos and stacks above the trees on the headland above Kyleakin. As the viewpoint is below the level of the road, this raises the possibility that the silos and stack will be potentially prominent in views approaching Kyle of Lochalsh from the east.

- It is likely that more viewpoints than the selection submitted to date will be required. Specifically as already suggested to Marine Harvest, this should include a sequence of views from laybys east on the A87 to explore the changes perceived by receptors traveling in the area.

The building as presented in the visualisations appears utilitarian in that the form is derived primarily from the function and not as a response to the site environment. Highland Council prioritises the importance of design throughout its development policies; specifically relevant policies include, but may not be limited to:

- Policy 28 Sustainable Design –' demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials; '

- Policy 29 Design Quality and Place-Making – 'New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.'

- Policy 49 Coastal Development-' Development proposals for the coast or for installations in nearshore waters should, in both their location and their design, show consideration to the range of existing interests ensuring best use of resources taking account of existing and planned marine activities and development. Proposals

should not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area.'

- Policy 61 Landscape-' New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area.'

Design Quality

For the development to be acceptable and in line with Policy, the building must be actively designed to suit the site and to not only minimise adverse visual effects, but actively create positive compositions. The form of the building should therefore respond to the external environment as well as the internal requirements, recognising that the building shell performs two functions which should be developed in tandem; protecting and enclosing the plant, and harmonising with the landscape setting.

Features which should be considered as influencing or inspiring the outer form might include, shapes of the Coulin, slope of the existing bunds around the site, shape of the bridge supports, curve of the bridge etc.

Colour and texture can be used to break up the perceived mass of the building and to create connections with the landscape setting. For example, wall bases which blend with the ground surface/paving around the building can reduce perception of bulk, use of bold colours for smaller elements may focus attention away from the greater mass towards more human scale elements.

Light and shade can be used to break up expansive areas, therefore overhangs, recesses and projections should be utilised to create light and shadow effects which change throughout the day and the seasons.

Marine Harvest Feed Mill proposal

Allt Anavig Quarry, Skye.

The proposed location for the site is the Allt Anavig Quarry, lying approximately 0.6 km west of the southern end of the Skye Bridge.

Visibility of the site and proposed development is primarily focused in the western extent of the Lochalsh Peninsula and approximately 2km west and immediately south on the island.

The location is not covered by any landscape designations, but has potential for visual impact within an iconic gateway to Skye, lying between areas of highest visibility and the Cuillin Hills NSA.

- The opposing Kyle of Lochalsh and Kyleakin headlands frame both the channel of the Kyleakin Strait and the view westward to the Cuillin ranges, now the Cuillin Hills NSA. Placenames on Skye suggest that the visibility to and from the mainland was important, Cnoc of the View, Signal Cnoc... (very loose translations)

- While Kyleakin was a local service hub centred on the ferry service, significant town development at Kyle and Kyleakin dates only from the arrival of the Kyle line in 1897.

- The main road access to Kyle ran from Balmacara north and west via Erbusaig, rather than west along Loch Alsh until the late 1960s.

- The headlands now also frame the Skye Bridge.

    - The bridge itself was subject to a design competition, extensive consultation with the Countryside Commission for Scotland, the Royal Fine Art Commission and the National Trust for Scotland in addition to local public consultation. All parties other than the RFAC supported the design, after exploration of alternatives. The design was further verified by Public Enquiry.

    - It is clear from this that the site was recognised as being highly susceptible to adverse impacts from large scale development and that quality of design was given a high priority.
      http://www.notolls.org.uk/pdfs/skyenaoreport23may1997.pdf

The environment of the strait is highly individual as a hub for transport, communication and industry. The local area had seen significant, ongoing change and development since the 1890s with the arrival of train, town, industry, tourism and the Skye Crossing. All of these things have contributed to creating a sense of place which is predicated upon access between the island and mainland and through the strait itself.

This means that much of the current visual baseline is relatively new. The strait, the coast and the mountains may be ancient, but the ways in which we approach and cross them are thoroughly modern.

None of which is conclusive about anything in and of itself, but does indicate that change is possible and can create a new normal. In relation to the bridge, it created a new feature which many would now accept as a positive intervention in the views.

The site:

- Un-restored worked out section of quarry.
- Semi-derelict disused loading pier.
- Screening bunds to rear of shingle, created from overburden and now vegetated.

The site still has some activity in the form of timber processing/sales.

Current views into the site from the bridge reveal the quarry's stone floor and partially revegetated slopes, deteriorating steel clad shed.

The proposed development:

- 38m high silos and main manufacturing building
- Lower building area
- Loading pier
- Loading and delivery areas
- LPG tanks and boilerhouse(?)
- Parking
- Security fencing.
- Lighting.

Visual Impacts

While the ZTV prepared by the applicants gives an idea of the extent of visibility of the silos and stack, visibility mapping 'does not in its own right identify the effects' (GLVIA3 6.6).

Effects are dependent on the nature of the visual experience of the landscape, and the way that receptors perceive change to that experience occasioned by the development. This can include a change in receptor perception of a view or of a landscape when features are changed or added. It is possible for different receptor groups to experience effects of change differently. . For each Visual Impact viewpoint we should have information on:

- whether it is intended to be Representative, Specific or Illustrative
- something about the nature of the effect anticipated at the viewpoint the nature of the effect
- who the visual receptors are that would experience the effect, for each viewpoint
- what is their sensitivity to the change

When considering Visual Impact, GLVIA3 focuses quite heavily on categorising receptors, identifying which categories are represented at given viewpoints and then assessing the viewpoints. This increasingly leads to an over-emphasis on a handful of locations and a failure to give due weight to the frequency, range and duration of exposure to effects which are experienced by receptors . This results in VIAs which do not account for the *accumulated exposure* people can be subject to as they move around the area. Therefore I would encourage the assessors to focus on *categories* of receptors, eg Tourists, Residents of various localities local villages and the service Hinterland etc in preference to the viewpoint locations.

The Visual Impact Assessment report should not be an esoteric document which can only be deciphered by Landscape and Planning professionals. Any member of the public who may be affected should be able to recognise themselves in the receptor descriptions and understand what impacts they are likely to experience. The assessment should be *Receptor*-led in preference to *Viewpoint*-led.

Consideration should be given to relative numbers of receptors within categories and their typical frequency of reception of impacts.

Potential Adverse Visual Impacts:

- Detract focus from Cuillin NSA
- Reduce simple/balanced framing of the bridge/strait/
- Reduce perceived visual scale of landforms and bridge
- Draw attention to un-restored areas of quarry
- Impression of environment, NSA and SLA not being valued or being downgraded.
- Impression of receptors not being valued

Potential Positive Impacts

- Convey an image of a thriving and vibrant economy
- Reduce existing perception of dereliction which may arise from views of the un-restored quarry
- Well-designed building, attractive in its own right, enhances environment.
- Receptors feel valued and respected.

Landscape Impacts

The site falls within the Smooth Stepped Moorland Landscape Character type, while the site itself is characterised by the existing and partially disused Kyleakin Quarry. Development of the site as proposed would increase its visual and character links to the harbour and industrial character found elsewhere in Kyleakin and Kyle.

The presence and function of the Skye Bridge is an important element in interpreting experience and importance of the local landscape.

The Bridge has several function within various categories:

Transport Functionality

- Road link
- Pedestrian link

Landscape Experience

- Gateway for road and footway users
- Gateway for water traffic
- Boundary marker between Loch Alsh and the Inner Sound
- Effective western boundary of Harbour Settlement

Visual

- Landmark
- Component in valued views

Cultural

- Political totem
- Tourist attraction
- Source of local pride

All of which affect how receptors may react to and understand the bridge within the landscape and some of which may be affected by the development.

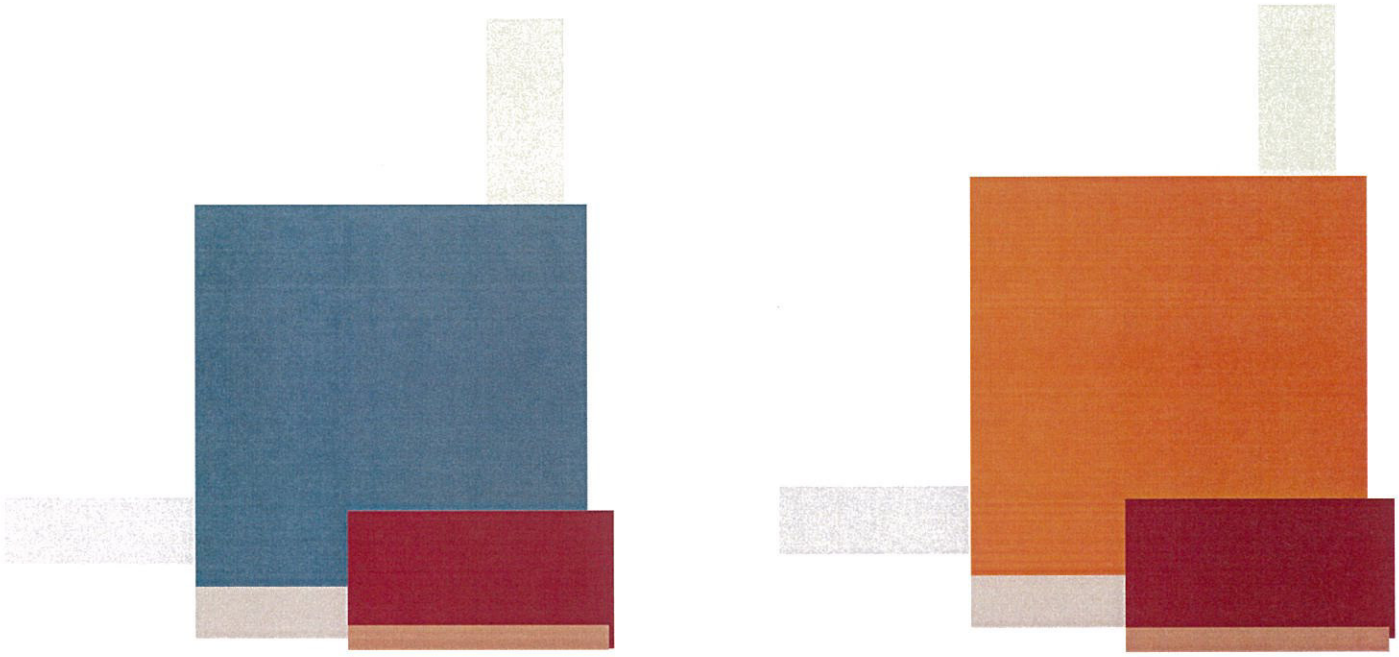
Potential Adverse Landscape Impacts

- Dilution of the sense of Gateway
- Reduction in perceived landscape scale; a large foreground facility may reduce the perceived scale of the distant mountains, the strait itself and even the Skye bridge.
- Reduction in distinctiveness between the landscapes at either end of the bridge and on either side of the bridge.
- Reduction in the clarity of the Skye bridge as a landmark feature.

Potential Positive Landscape Impacts

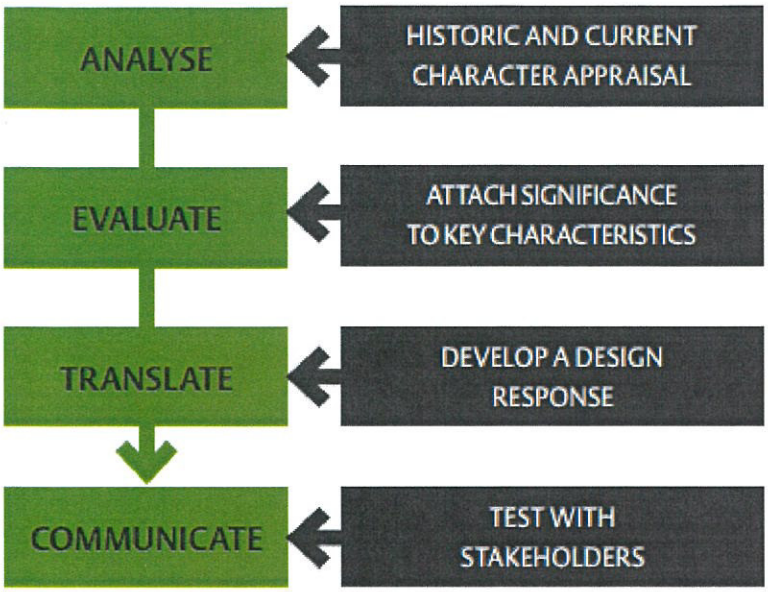
- Reduction in perception of existing site as being abandoned and derelict.

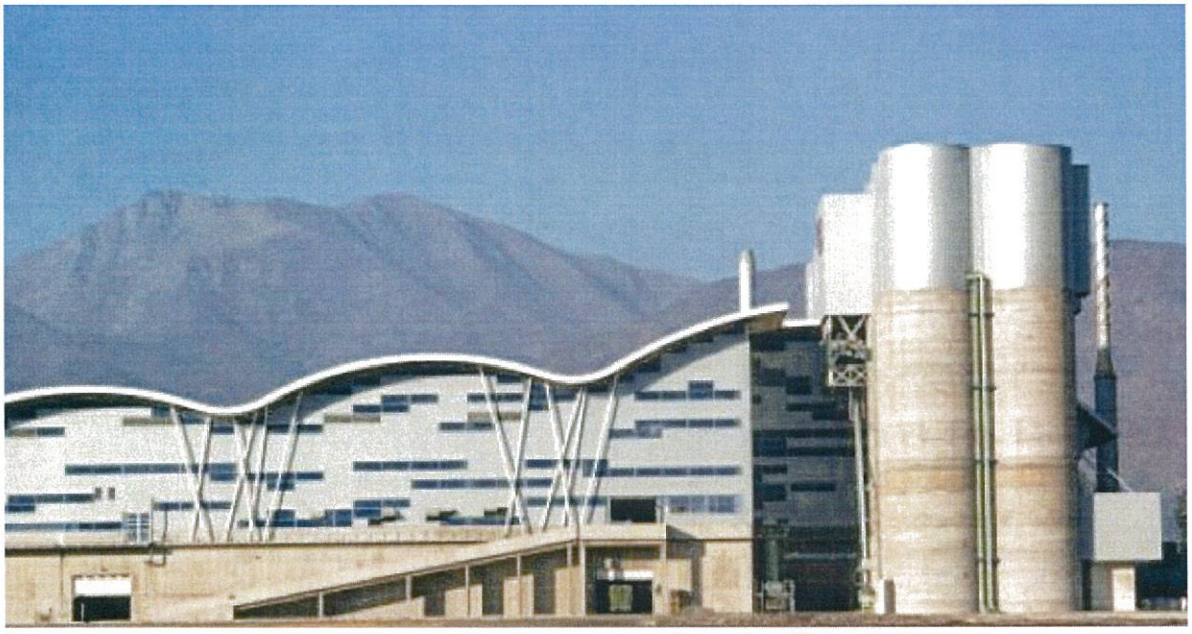
Marine Harvest: some thoughts on form and colour.



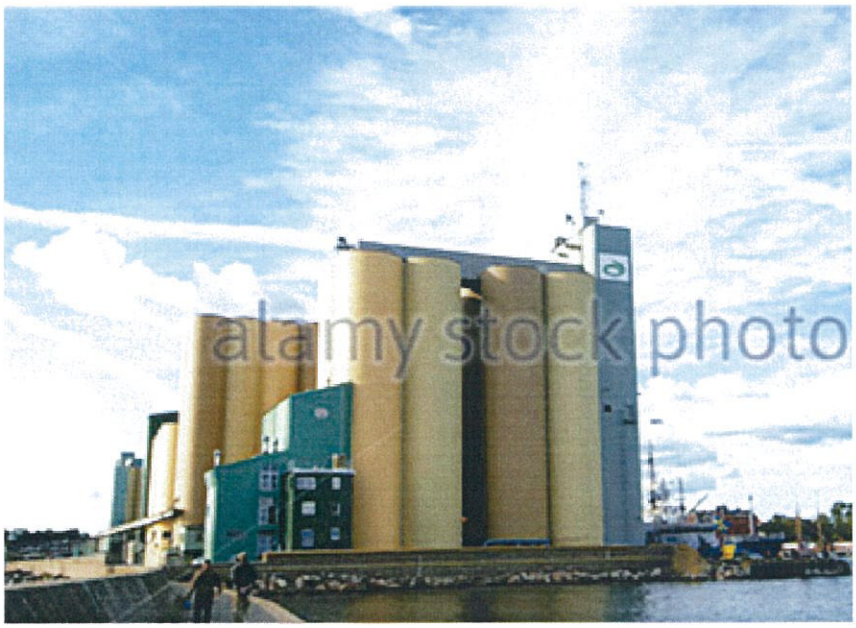
- Consider use of colour and variation in colour to both break up building mass and concentrate attention on smaller elements of the development. Relate small element to foreground and large element to background.
- Consider different between *blending with* and *matching to* background colours.
- Consider seasonal change in landscape colours.
- Look to local landscape and landform for inspiration for colour and form of development.
- The proportion, scale and mass of the building must incorporate design elements that break the overall scale of building and create a human scale around all entries to the building and elevations that are visible from adjacent beach or on-site client parking
- the sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary, is also important. their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in
- Views embrace wide open landscapes but it must be recognised that existing landscape features and landmark structures will be the focal points. New design should consider ways to enhance or protect their function as landmarks.

PROCESS





Horizontal emphasis on windows, long and low, think about in terms of the visible light after dark and reflections on water.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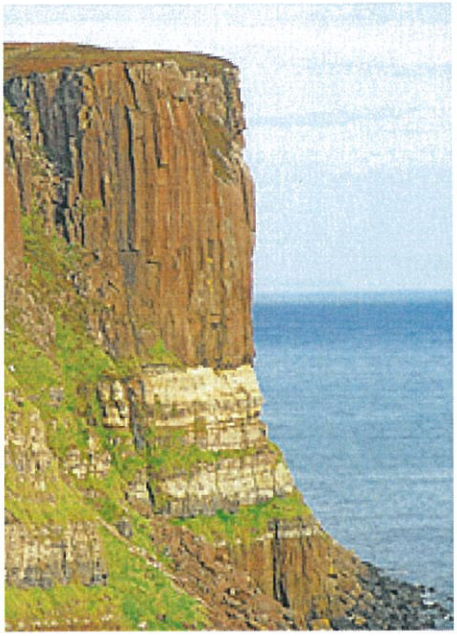

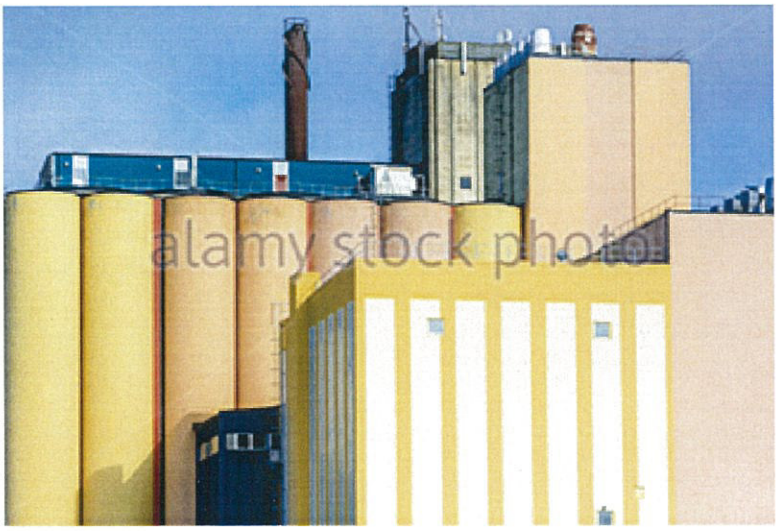
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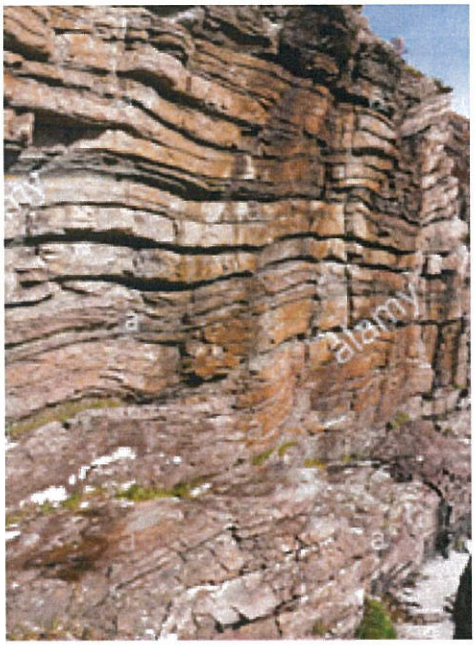
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