
Subject: FW: Marine Harvest - Feed Mill Facility, Allt Anavig Quarry, Kyleakin, Isle of Skye - Gate check comments

From: ms.majorprojects@gov.scot [<mailto:ms.majorprojects@gov.scot>]
Sent: 12 May 2017 12:22
To: Trigg, Colin; Chris.Read@marineharvest.com
Cc: Michael.Bland@gov.scot; Brown, Alan (Inverness); Sutherland, Peter; McDonnell, Rory
Subject: Marine Harvest - Feed Mill Facility, Allt Anavig Quarry, Kyleakin, Isle of Skye - Gate check comments

Dear Colin,

Thank you for your emails of 04 May 2017 and 09 May 2017.

We have reviewed your query and have answered as follows;

Gate-check table

We can confirm that there is no requirement for a 'gate-check table' to be included in the Environmental Statement (ES), as this was an internal review on a non-finalised version of the ES. However, you are welcome to supply this to us separately so that we can see how our comments have been addressed.

Number of physical copies

With regards to physical copies of the ES and supporting documentation, under Regulation 19(1) of the Marine Works (Environmental Impact Assessment) Regulations 2017 two hard copies are required to be submitted to the Scottish Ministers, at the point of application.

Consultation commencement timescales

Consultation will commence once all the necessary documentation has been supplied to us and a basic review of the contents is undertaken.

Shadow EPS assessment

We advise that you undertake a shadow EPS assessment as part of the ES, so that Marine Scotland – Licensing Operations Team (MS-LOT) are able to assess the potential for granting an EPS licence while considering the marine licence applications and EIA. It would then be possible to apply for an EPS licence post-determination of the marine licence and EIA applications. The timeframe for determination of an EPS application is at least 6-8 weeks following acceptance of the application.

We acknowledge that you may not have as much detail at this time, however we need enough information to be able to make an assessment. I have spoken with Fiona MacKintosh who concurs with this.

Point 32 of gap analysis table

The 'abstractions' aspect of the query was kept as this was the form in which SEPA had written the statement. Considering your confirmation that there will be no abstractions from the MPA, we ask that the sections in which the aspect of discharges to the MPA has been addressed, are made clear in the gap analysis table.

cSAC

We apologise for the confusion with regards to the status of the Inner Hebrides and Minches cSAC. We can confirm that the cSAC references can remain unchanged throughout the documents.

Corkscrew injury to seals

We welcome the removal of sections referring to corkscrew injury to seals.

Payment

We can confirm that we have received two cheques worth £9,000 and £4,025. As indicated in our email of 28 April 2017, can you please confirm whether the cost of works quoted in the construction application

form is the total cost of works for the project, including dredging? Should that be the case, your fee will be £13,325 and therefore we will require a further cheque worth £300 at the point of application.

TBT concentrations

We welcome the correction of the TBT measurements.

Benzo(g)perylene

It seems that the inclusion of Benzo(g)perylene as an additional PAH for testing prior to dredging and sea disposal has been an internal error and our guidance will be amended to exclude this. Please disregard this point from our previous response.

EQS

In Ch. 5 of the reviewed ES version, it was stated that 'leachate chemical analysis was compared against marine Environmental Quality Standards (EQS)'. Since we are not used to dealing with leachate chemical analyses or 'EQS', we asked that the 'EQS' for each leachate result is presented in the Geotechnical Report, so that we are able to understand their significance. Should you not have specific values for 'EQS', please remove reference to 'EQS' from the documentation to avoid confusion.

Public Notice

Following Chris Read's call asking for a public notice template, we can confirm that the public notice will have to comply with the publicity requirements of Regulations 16 and 17 of the Marine Works (EIA) Regulations 2017. We are currently in the process of updating our public notice templates in respect of the 2017 EIA Regulations and will be in touch once they are completed.

For ease of reference, the new EIA Regulations can be found [here](#) and are due to come into force on 16 May 2017.

We look forward to receiving your updated ES and supporting documentation in due course.

Kind Regards,

Rania Sermpezi
Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: +44 (0)1224 295 615
General Queries: +44 (0)1224 295 579
Fax: +44 (0)1224 295 524
Email: rania.sermpezi@gov.scot
ms.majorprojects@gov.scot
Website: <http://www.scotland.gov.uk/marinescotland>



From: Trigg, Colin [<mailto:Colin.Trigg@jacobs.com>]
Sent: 09 May 2017 11:41
To: MS Major Projects
Cc: Sermpezi R (Rania); Bland M (Michael) (MARLAB); McDonnell, Rory; Read, Chris (Chris.Read@marineharvest.com)
Subject: FW: Marine Harvest - Feed Mill Facility, Allt Anavig Quarry, Kyleakin, Isle of Skye - Gate check comments

Hi Rania

Would it be possible to arrange a short telephone call to cover the points raised in the email below? There are several points which would benefit from open dialogue. This would hopefully allow us to continue with addressing your clarifications before receiving a written recognition of the points raised.

Many thanks

Colin

Dr Colin Trigg | Jacobs | Principal Aquatic Scientist | 02380 111280 | colin.trigg@jacobs.com

From: McDonnell, Rory

Sent: 04 May 2017 17:27

To: ms.majorprojects@gov.scot; rania.sermpezi@gov.scot

Cc: Trigg, Colin; Brown, Alan (Inverness); Sutherland, Peter; Read, Chris <Chris.Read@marineharvest.com> (Chris.Read@marineharvest.com)

Subject: Marine Harvest - Feed Mill Facility, Allt Anavig Quarry, Kyleakin, Isle of Skye - Gate check comments

Dear Rania,

Many thanks for your email and, specifically, your comments in relation to the formal Gate Check process.

We are very keen to progress swiftly with the marine licence application and therefore would be grateful if you could confirm the next steps in the process at your earliest convenience. We are also seeking further clarification on several of the points made in your review, to hopefully avoid any misunderstanding.

Our intended approach during the next phase, post Gate Check, is to capture all of the comments made below and place these within a table appended to the ES. The ES will make reference to the Gap Analysis review and refer the reader to the new 'Gate Check' table. At this stage it would be our preference to address the clarifications raised by your review within this table only.

Alternatively the Gate Check table will mirror the template of the Gap Analysis table, supplying a full justification and/or cross ref to the place in ES (or other supporting docs) where an update is made. Where a change has been requested within the original Gap Analysis table then this table will also be updated accordingly.

Once the clarifications have been addressed the MLA package (inc. ES/HRA and all supporting documents) will be formally submitted to MS-LOT as both a digital and hard copy (please advise if more than once hard copy is required). At which time it is our understanding that the formal consultation process will commence.

Having read your review we would be grateful to discuss a couple of the points (highlighted yellow in email below):

In relation to EPS licences, it was our understanding from the Scoping Opinion that these could only be sought following consent for the application '*Applicants may choose to apply for an EPS licence following any grant of consent once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the ES.*' The ES references listed within the Gap Analysis table confirm that our approach would be to apply for the EPS licences once consent is granted. We realise that consent would not take place until the end of the formal consultation process, at which time we could submit the applications for EPS licences. However, as mentioned previously we are keen to progress with the proposals and would be grateful if you could give us an indication of the timescales for review of such an EPS licence and whether there would be any value in submitting the applications now on the assumption that the consent would be granted without the requirement for changes in the construction or operation phases of work?

Can you confirm that your comment '*along with information on how Point 32, with specific reference to the aspect of discharges to/from the MPA, has been addressed*' only relates to discharges? There are no abstractions from the MPA. In light of this can we suggest replacement of 'to/from' with 'to'?

Throughout the review there is continual reference to the requirement to change the Inner Hebrides and Minches 'cSAC' to pSAC. To our knowledge this site became a cSAC back in September 2016 <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/2016-harbour-porpoise-consultation/>. Please can you confirm if you are content that all figures, text etc. continues to use cSAC.

We have considered the potential for corkscrew injury on seals as this has previously been recognised as a risk from shipping movements; however, we will remove any consideration of this potential effect.

We understand that your point regarding the costs of works and the cheques received from Marine Harvest have now been resolved through dialogue with Chris Read. Following this can you confirm that this point can be omitted from the 'Gate Check' table.

In relation to the Geotechnical report we have several comments – we note that the concentrations for TBT were reported in µg/l in the Geotech report; however we have amended this to mg/l. On this basis none of the TBT concentrations exceed the AL1.

We would be grateful for further clarification wrt 'Benzo[g]perylene' as it is our understanding that this is the same as 'Benzo[g,h,i]perylene' (which is reported). Having also consulted other available literature we have only found reference to Benzo[g,h,i]perylene (e.g. <https://www.gov.uk/government/publications/marine-licensing-physical-and-chemical-determinands-for-sediment-sampling/chemical-determinands>) and thus are confused as to why these two substances are listed separately in the new pre-disposal sampling guidance as we believe they represent the same compound.

The last point relates to the 'leachate EQS'. To our knowledge a 'leachate EQS' does not exist. We note that in Chapter 5 of the ES that the phrase 'leachate chemical analysis was compared against marine Environmental Quality Standards (EQS)' but this does not represent a leachate EQS. The role of this supporting technical appendix, the geotechnical report is to provide the survey results rather than carry out an assessment in the context of the ES. We would thus be grateful if this point can be omitted from the 'Gate Check' table.

We would be grateful if you could respond to the above but recognising your commitments we suggest a short tel-conference call early next week to cover the above clarifications and also discuss timescales. Would Monday 8th suit yourself and Mike?

Kind regards

Colin

Dr Colin Trigg | Jacobs | Principal Aquatic Scientist | 02380 111280 | colin.trigg@jacobs.com

From: ms.majorprojects@gov.scot [<mailto:ms.majorprojects@gov.scot>]

Sent: 28 April 2017 11:31

To: Read, Chris; Colin.Trigg@jacobs.com; Rory.McDonnell@jacobs.com

Cc: Fiona.MacKintosh@gov.scot; Michael.Bland@gov.scot

Subject: Marine Harvest - Feed Mill Facility, Allt Anavig Quarry, Kyleakin, Isle of Skye - Gate check comments

Dear Mr Read,

We have reviewed the documentation supplied and identified the need for further clarification and/or corrections. Please note that our review has not been in-depth and that the documentation will be subject to a review by our consultation bodies, so there may be further amendments required in the future.

GAP ANALYSIS TABLE

Under Point 4, the DIO asked that consideration is made to the BUTEC byelaws and we require that you please identify the specific section in Appendix 16.1 where consideration has been made.

Your consideration of Point 7 is unclear and we ask that you please specify whether or not you are content with having that as a condition to any prospective marine licence.

We note that Point 9 requests the identification of mitigation measures in the ES and would like to confirm that the CEMD is not a mitigation measure in itself, but rather a means of describing the detail of mitigation

post-consent. Therefore, we ask that all reference to the use of potential post-consent plans and documents as mitigation measures, is removed and the gap analysis table updated to reflect that.

Under Point 12 a shadow EPS assessment and consideration of Schedule 5 and 8 species of the Wildlife & Countryside Act 1981 are required, however the sections in your response do not seem to answer that and we therefore ask that you please include this information in your ES and/or amend the gap analysis table to reflect the correct sections.

Point 14 asks for consideration of the development's predicted impacts on the marine historic environment, which does not seem to be analysed in Chapter 13, as identified in the gap analysis table.

Under Point 17 (and part of Point 27) we have asked that separate coordinates (WGS84 datum) for each individual element of the marine aspects of the development (e.g. pier, land reclamation area, etc.) are supplied. We note that the marine licence applications contain an outline of the entire development rather than specific elements and we therefore ask that you please amend that to reflect our requirements.

The gap analysis table should be updated to indicate the location of the waste water drainage and surface water drainage layout maps (Point 28), along with information on how Point 32, with specific reference to the aspect of discharges to/from the MPA, has been addressed.

Point 42 refers to SEPA's Flood Risk Assessment checklist which we could not locate within the information supplied. This checklist should be added to the relevant ES chapter and the location updated on the gap analysis table.

NON-TECHNICAL SUMMARY

This document states that its purpose is applying for planning permission rather than marine licences and does not make the representations process clear. The relevant marine legislation is also not mentioned.

CHAPTER 1

Please note that the representations process and the purpose of this ES have not been made clear. Land reclamation has been missed off of the list of marine works and the legislation quoted needs to be amended. Please note that representations should be sent to ms.majorprojects@gov.scot or the postal address in my signature.

CHAPTER 2

Can you please confirm whether both vibro and impact piling methods will be used for the proposal?

CHAPTER 4

Section 4.2.1 makes no mention of the Inner Hebrides and the Minches pSAC.

CHAPTER 5

Section 5.2.5 states that 'errors in the reporting of data, such as chemical laboratory analysis, cannot be ruled out'. Clarification of this statement should be made.

CHAPTER 7

This chapter does not make any reference to piling noise and its effects on the marine environment. Although this is discussed in subsequent chapters, Ch. 7 should have a reference as to where the marine aspect has been considered.

CHAPTER 15

Pages 15-8 to 15-10 include a Ch. 10 that used to discuss aquatic ecology. Following planning application, this chapter was removed and as such reference to it in the ES and supporting documentation should no longer be made.

CHAPTER 16

Throughout the ES the Navigational Risk Assessment has been referred to as either its name or 'Appendix 16.1'. The names of documents should be consistent throughout the ES to avoid any confusion, so please rename the NRA into Appendix 16.1 and update all reference in the ES.

CHAPTER 17

Sections 17.6.1.3 & 17.6.1.4 should contain an explanation of the ways to prevent concrete and oil releases in the environment, rather than accepting the releases will occur.

CHAPTER 18

In Appendix 18.1 Figure 2.2 excludes the Inner Hebrides and Minches pSAC, while Section 2.2 excludes land reclamation from the list of marine works. Please make sure these are amended accordingly.

CHAPTER 19

Reference is made throughout the chapter to the Inner Hebrides and Minches 'cSAC'. Please note the site's current status is 'proposed' and as such all sections should be amended to reflect that. Please make sure that this amendment is made to all other documents supplied.

Section 19.5.1 has identified seal corkscrew injury due to vessels strikes as a risk, although that is no longer the case. Please amend this.

MARINE LICENCE CONSTRUCTION & DREDGING APPLICATIONS

Can you please confirm whether the cost of works quoted in the construction application form is the total cost of works for the project, including dredging? Should that be the case, your fee will be £13,325 which should either be submitted as a cheque at the point of application or transferred by BACS once an invoice is generated. We therefore cannot accept your cheque of £9,000 and will be returning it to you shortly.

Please update the 'agent' section to reflect your current arrangements with Jacobs and please provide confirmation of whether Kyle of Lochalsh and the Highland Council are the same harbour authority. Your construction application should include all marine construction works including land reclamation (section 6.c) and caissons (section 6.d), while your dredging application should mention the intention of re-using some of the dredge spoil for land reclamation (section 6.a). Please note that Figure A.1 does not include the Inner Hebrides and Minches pSAC.

GEOTECHNICAL REPORT

Tables 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 identify incorrect action levels for Tributyltin (TBT). Action Level 1 (AL1) for TBT is 0.1 mg/kg, whereas AL2 is 0.5 mg/kg. Should these correct levels be used, TBT in your samples has exceeded AL1 and this needs to be discussed in the relevant chapters and documentation.

The above tables also state that all PCBs were below AL1 in all cases and we please ask that you incorporate an additional table to show the PCB values for each sample. These tables are also missing measurements of Benzo[g]perylene, which is one of the PAHs that we require to be tested, according to our [pre-disposal sampling guidance](#).

The methodology behind the leachate analysis should either be added to the Geotechnical Report or cross-referenced with another document for ease of reading. Tables similar to the ones for action levels and actual measurements should be put with regards to leachate EQS.

PAC REPORT

The PAC report needs significant re-writing to comply with the requirements of The Marine Licensing (Pre-application Consultation) Regulations 2013. Please note that the screening and scoping processes are not related to PAC, but rather EIA.

GENERAL COMMENTS

Please make sure that all documentation is amended to reflect the fact that Marine Harvest are applying for marine licences, rather than planning permission and that the right legislation (marine) is quoted in all instances.

Cross-referencing between chapters and documents should be improved, as should the naming of documents across the ES and the appendices.

The list of marine works should be consistent throughout the ES and supporting documentation.

Kind Regards,

Rania Sermpezi
Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Line: +44 (0)1224 295 615

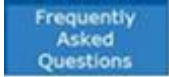
General Queries: +44 (0)1224 295 579

Fax: +44 (0)1224 295 524

Email: rania.sermpezi@gov.scot

ms.majorprojects@gov.scot

Website: <http://www.scotland.gov.uk/marinescotland>



MEMORANDUM

To: EPC, Development & Infrastructure Service, HQ (email only)
Cc: Mark Harvey, planning officer (email only)
From: Contaminated Land, Community Services, 38 Harbour Road, Inverness IV1 1UF
Subject: The erection of a salmon feed manufacturing plant including an extension to the existing pier Land 320M NE Of Allt-An-Avaig Kyeakin ↴ ↵ ↴
Date: 17th October 2016
Our Ref: 16/03869/FUL
Please ask for: Nicola MacKenzie Tel: (01463) 228746

Our records and pre-application report submissions by the applicant indicate that parts of this site have an historic use as a quarry which included settling ponds, fuel storage, repair and maintenance areas and an electrical sub-station which may have resulted in land contamination.

Supporting information reports have been received and reviewed (pre-planning) and I have attached a copy of the most recent correspondence from myself to the environmental consultants, which highlights the matters I consider to outstanding.

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.

Community Services

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

REASONS - CONTAMINATION

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

I advise the Applicant be contacted with a request that they provide, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use. Please forward any such contamination assessment 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.

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

Zoe Davis
Senior Geo-environmental Scientist
Jacobs
(email only)

Please ask for: Nicola MacKenzie
Direct Dial No: 01463 228746
E-mail: Nicola.MacKenzie@highland.gov.uk
Your ref: 11343 doc 06 issue 1 &
111343 doc 04 issue 2
Our Ref: SL-MIN-1055
Date: 15th Aug 2016

Dear Zoe,

**Marine Harvest (Scotland Ltd) Proposed Salmon Feed plant, Kyleakin, Isle of Skye;
Planning Reference (16/01491/SCRE, 16/01492/SCOP, 16/00734/PREAP, 16/01551/PAN)**

- **Fairhurst Phase I Environmental Due Diligence Report, Issue 1, Sept 2015**
- **Fairhurst Ground Investigation Rationale, Issue 2, November 2015**
- **Fairhurst Geo-environmental and Geotechnical Interpretative Report, Issue 1, March 2016**

Thank you for forwarding the above three reports which were received by this service on 14th and 27th July 2016. Having completed my review I can now offer the following comments:

Fairhurst Phase I Environmental Due Diligence Report, Issue 1, Sept 2015

Received by the service on the 27th July 2016, I found the Phase I to be sufficiently detailed and I agree a Phase II was necessary for the linkages detailed with the exception of the septic tank and Japanese Knotweed which fall out with my remit.

Photos from the walkover were missing from the Phase I copy provided, however I found plan 111343/9003 which summarised the potential sources to be very useful.

Fairhurst Ground Investigation Rationale (GIR), Issue 2, Nov 2015

Received by the service on the 27th July 2016, I note the development layout has changed from that presented within the due diligence report, and whichever plan is accurate (both called 111343/9002) should be clarified.

Community Services

Contaminated Land Unit, Environmental Health, The Highland Council, 38 Harbour Road, Inverness, IV1 1UF

Tel: 01463 228700 Fax: 01463 223723 e-mail: land.contamination@highland.gov.uk
www.highland.gov.uk

Comparing the GIR Table 1 to the Due Diligence Table 13, I note the the electrical substation, septic tank and knotweed sources are omitted. Only the omission of the substation is of concern within this review.

Referencing Table 2 the environmental rationale, I agree the summary of locations proposed reflects the potential sources with the exception of the electrical substation being omitted, however I must question the stated investigation density ever reaching a spacing as low as 25m for all locations, or 25m for boreholes based on a 8.2ha site.

With regard to Table 4 – I agree the locations and contaminants of concern represent the potential sources detailed in the Due Diligence report including the re-appearance of the electrical substation. However it should be made clear in all reporting going forward that this is a source targeted investigation and there should be no further reference to a grid spacing or site wide investigation, as that is not the type of strategy being proposed.

Finally, had I the opportunity to review the investigation rationale prior to the site works, I would have requested more detail about how the data collected would be risk assessed.

Fairhurst Geo-environmental and Geotechnical Interpretative Report, March 2016

Received by the service on the 14th July 2016, review was held until the above two supporting documents were received on the 27th July 2016.

As per the GIR report the environmental investigation strategy continues to be described in terms of grid spacing. Within Section 5 it is stated the boreholes are on a 50m grid, and the trial pits on a 20-25m grid. I cannot agree that these densities are accurate, for example 16 boreholes across 82000m² equates to a 72m spacing. This is highlighted within the report hydraulic calculation (Section 7) when a number of borehole to borehole distances are given to be predominately > 60m.

A discussion detailing why the environmental investigation rationale differs from that proposed in the GIR report should be included in this report. Based on the sampling tables, I find the following 'actual' omissions compared to the GIR 'proposed' investigation.

- TP19, 20 and 33 omitted from fuel storage area suites
- RBH09 omitted from electrical sub-station suite (tested in reality)
- TP18 omitted from burning/flytipping suite
- TP24 omitted from silt pond/sediment suite
- TP45 omitted from the Site Office suite (asbestos)

Due to the scan quality I have found some of the original lab sheets are hard to read, therefore my review has relied on the Appendix page 843, 844 and page 845 tables. Ideally these would have been provided in excel format.

Community Services

Contaminated Land Unit, Environmental Health, The Highland Council, 38 Harbour Road, Inverness, IV1 1UF

Tel: 01463 228700 Fax: 01463 223723 e-mail: land.contamination@highland.gov.uk
www.highland.gov.uk

When comparing Table 5 to the page 844, in addition to the 6 locations omitted detailed above, I find the following notable discrepancies between the proposed and actual testing which should be justified within the report as they all represent a reduction in environmental sampling.

RBH02 – Fuels, BTEX, PAHs

RBH09 – PCBs

RBH14 – All proposed (Metals, Fuels, BTEX, PAHs, Asbestos,...)

TP47 – metals, Fuels PAHs

Human Health Risk Assessment Methodology

The report should highlight that the DEFRA C4SL screening guidance listed 2nd in the hierarchy of appropriate criteria has not been endorsed by the Scottish Government as suitable for use in Scotland, due to some of the toxicological/exposure methodologies adopted within the document. I note only the Lead C4SL value has been used in the actual site evaluation, and this is acceptable to the Council in the absence of other authoritative guidance. The use ICRCL 64/85 Asbestos guidance however is rejected as more recent guidance is available.

Overall in relation to the human health risk assessment presented, I agree none of the commercial GACs were exceeded by the available site data; however further discussion about the sufficiency of data considering the differences between the proposed strategy and actual testing is necessary in support of the report conclusion. I also believe the strategy undertaken should not be described in terms of grid spacing as the environmental testing undertaken has been strictly targeted to source zones. As these zones on the whole represent the findings of the desk study I am not seeking further works to complete a site wide environmental strategy, rather the strategy undertaken should be described more accurately in the reporting.

Water Environment Risk Assessment Methodology

The Council expects an evaluation of significant pollution of the water environment (SPWE) to be based on the application of the appropriate criteria at the appropriate assessment point, and reference SEPA guidance PS-10-01 and WAT-SG53 for resource protection (groundwater) and environmental quality (surface water). The water environment conceptualisation should be clear in stating whether the groundwater needs to be considered as a future use supply and whether the surface water receptor(s) is freshwater, marine or both. Please note I would not seek the use of WHO drinking water standards for the evaluation of potential pollution from hydrocarbons, as we have previously been advised by SEPA that use of published indicator substance standards is sufficient.

Resource protection/Ground water assessment

Community Services

Contaminated Land Unit, Environmental Health, The Highland Council, 38 Harbour Road, Inverness, IV1 1UF

Tel: 01463 228700 Fax: 01463 223723 e-mail: land.contamination@highland.gov.uk
www.highland.gov.uk

Please review the criteria listed in the page 845 Table for the following substances - Lead should be 10ug/l, Benzene should be 1 ug/l and there are no Copper, Zinc or TPH band criteria reproduced by SEPA (PS10-01).

I agree the benzo(a)pyrene maximum and LOD are greater than the criteria and accept the further discussion of this linkage, in that this is marginal and unlikely to present SPWE. The discussion could have been expanded to include proximity to the likely saline surface water/tidal effect and whether it would be classed as having a future use resource potential at all.

Surface Water Assessment

Please review the criteria listed in the page 843 Table for the following substances - Vanadium should be 100 ug/l, Cadmium should be 0.2 ug/l, Chromium VI should be 0.6ug/l, Copper should be calculated, Toluene should be 74ug/l and there are no TPH band, Dibenzo(ah)anthracene, or benz(a)anthracene criteria reproduced by SEPA (WAT-SG-53) for a marine receptor. Following the review detailed above should there be some maximum value results above criteria, I would like the further discussion to include a review of mean data in terms of site wide loading, and a review of the downgradient data against criteria. If the 'sentinal' borehole results are not elevated against criteria I agree SPWE is unlikely and the Council would not require further consideration of the linkage.

I note the recommendation to sample further and I would only see this as necessary should the groundwater be considered to meet a future resource classification, or should there be failures of the marine EQS at the sentinel boreholes.

Gas/Vapour Assessment Methodology

Ground Gas

I note the evaluation is based on a worst case mix and match of levels and flow rates, which I agree is the starting point of an assessment, however the evaluation should continue to consider whether the CS2 is reflective of actual site conditions. Could characteristic situations zones be calculated and how do they relate to the development proposal building locations and design? Please justify the CS2 recommendation further and include a full discussion of the depleted oxygen and hydrogen sulphide results.

VOCs

I expect VOCs to be risk assessed using the CLEA methodology rather than occupational health levels. I note the recommendation to include a VOC resistant membrane but question this based on the occupational health evaluation presented? Do the soil or groundwater results suggest a VOC risk? Is this a site wide recommendation or could protective measure zones be calculated. Would further monitoring delineate this requirement?

Community Services

Contaminated Land Unit, Environmental Health, The Highland Council, 38 Harbour Road, Inverness, IV1 1UF

Tel: 01463 228700 Fax: 01463 223723 e-mail: land.contamination@highland.gov.uk
www.highland.gov.uk

Overall if demonstrated to be necessary, I agree the full specification of the required Ground Gas/VOC/ H2S resistant membrane would need to be provided in the remediation strategy.

Property Assessment Methodology

Scottish water should be consulted with regard to the water pipe selection, and the appropriate building material options should be detailed in the remediation strategy and development design.

I note an asbestos survey prior to demolition of existing structures is recommended please confirm the current status of this issue.

Finally, please note I have not reviewed the Geotechnical Investigation Reporting.

I hope all the comments provided are clear, should you have any queries, please do not hesitate to contact me on 01463 228746.

Yours sincerely



NICOLA MACKENZIE
Scientific Officer

Environmental Health welcomes your feedback. Please help us improve our service by taking our short customer survey by clicking on this link

<https://www.surveymonkey.com/s/highlandeh>

Community Services

Contaminated Land Unit, Environmental Health, The Highland Council, 38 Harbour Road, Inverness, IV1 1UF

Tel: 01463 228700 Fax: 01463 223723 e-mail: land.contamination@highland.gov.uk
www.highland.gov.uk

MEMORANDUM

To: Mark Harvey

From: Development Plans Team (Julie-Ann Bain, Planner)

Date: 6 October 2016

Our Ref:

Your Ref: 16/03869/FUL

Please ask for: Julie-Ann Bain (01463) 702264

PROPOSAL: The erection of a salmon feed manufacturing plant including an extension to the existing pier

LOCATION: Land 320M NE Of Allt-An-Avaig, Kyleakin

1. Development Plans Policy

1.1. Highland-wide Local Development Plan (April 2012)

The policies listed below are particularly relevant to the proposal; however a number of other general policies and Supplementary Guidance will apply.

- Policy 28 Sustainable Design
- Policy 34 Settlement Development Areas (SDA)
- Policy 41 Business and Industrial Land
- Policy 42 Previously Used Land
- Policy 49 Coastal Development
- Policy 53 Minerals
- Policy 57 Natural, Built, and Cultural Heritage
- Policy 61 Landscape

1.2. West Highland and Islands Local Plan (as continued in force), 2010 (WHILP)

The proposed development site lies within the Kyleakin Settlement Development Area and sits within a site allocated for industrial use, with the exception of the pier extension. Objectives in the plan include safeguarding the existing sand and gravel resource at Altanavaig A range of Developer requirements are also specified for the site. All relevant general policies within WHILP have been superseded by the Highland-wide Local Development Plan (HwLDP).

2. Other Considerations

2.1. West Highland and Islands Local Development Plan (WHILDP) Main Issues Report

WHILDP is currently at an early stage of preparation with consultation on the Main Issues Report having occurred from April to June 2016. Although the Main Issues Report (MIR) does not hold any weight in the decision making process until the Proposed Plan is approved by relevant Area Committees, it does highlight the Council's preferred approach for future development.

2.2. The proposed development site sits mostly within the preferred allocation for Industrial uses - KA11, although sections to the south and east fall into the non-preferred site KA12. The pier extension does not feature in the preferred site.

3. Development Plan Policy Assessment

- 3.1. The key policy tests for the principle of this development are considered to be HwLDP Policy 41 Business and Industrial Land, Policy 42 Previously Used Land and Policy 61 Landscape.
- 3.2. Policy 41 directs proposals for new business and industrial developments to existing estates and sites allocated for business and industrial uses, which this site is.
- 3.3. Policy 42 states that the Council will support development proposals that bring previously used land back into beneficial use. The redevelopment of brownfield land is supported subject to a site investigation and risk assessment to determine whether the site is suitable for the proposed use.
- 3.4. Policy 61 requires that new development should be designed to reflect landscape characteristics and special qualities identified in the Landscape and Character Assessment.
- 3.5. The principle of industrial development at this location is supported in principle. The site is a previously used brownfield site and the economic impact of the development on the surrounding area is seen as positive.
- 3.6. The impact of the development in terms of visual and landscape impact is still considered significant from certain viewpoints, especially from the Skye Bridge. It is however good to see that the height of some of the buildings has been reduced and others have been moved towards the southern end of the site to aid with screening.

4. Conclusion

We are keen to support this application in the interests of sustainable economic development. The principle of development is supported subject to detailed considerations, in particular visual and landscape impacts.

From: Richard Bryan
Sent: 04 January 2017 11:36
To: Mark Harvey
Cc: Epc
Subject: Salmon Feed Plant Kyleakin 16 03869 FUL
Attachments: 2016_12_02 FRM Response 16 03869 FUL.doc

Categories: NO 2 CONSULTATION RESPONSES

Mark,

Thanks for re-consulting us on this application.
Having looked at the additional information, in terms of predicted sea-levels, we remain satisfied with the proposed FFL of the buildings and do not wish to update our previous response (attached for clarity).

Regards
Richard

Richard Bryan
Senior Technician
Flood Risk Management
The Highland Council | Development and Infrastructure
Project Design Unit | Council Offices | Dingwall | IV15 9QN
? 01349 868 801
??01349 863 485
For general Flood Team enquiries ? FRM@highland.gov.uk

MEMORANDUM

To: Planning & Development Services
FAO: Mark Harvey
From: Flood Risk Management Team, Dingwall
Subject: Planning Advice
Date: 02/12/2016
Your Ref: 16/03869/FUL
Please ask for: R Bryan **Tel:** 01349 868800

The erection of a salmon feed manufacturing plant including an extension to the existing pier | Land 320M NE Of Allt-An-Avaig 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*.

The Flood Risk Management Team has reviewed the information provided by the applicant and has **no objection** to this application subject to the following **conditions**.

FLOODING

- i). We have reviewed the various flood risk assessments (FRA) and modelling reports provided with the application (Kyleakin Flood Risk Assessment, B2261401_KYL|01 Jacobs. October 2016: Allt Anavig Hydraulic Modelling Report, Revision 01. Jacobs. 6th October 2016: Kyleakin Flood Risk Screening Assessment, B2261401_KYL_FRSA|01. Jacobs. 9th November 2016) and have the following comments.
- ii). The current proposal is for the Allt Anavig watercourse to be diverted from the existing online pond to the west of the proposed buildings. However, the diversion channel will only convey flows up to the 1 in 50 year return period flood event. Flows in excess of this will be directed into the existing channel and culvert which will be used as a flood relief/overflow route. This arrangement will allow a 1 in 200 year plus climate change event to be conveyed through the site but the feed plant will be constructed directly over the proposed flood relief culvert. The principle of constructing buildings over a



PROJECT DESIGN UNIT

Offices at Golspie, Alness, Dingwall & Inverness

Director of Development & Infrastructure: J Stuart Black, MA (Hons), PhD
Project Design Unit, Flood Risk Management Team,
Development & Infrastructure Service, Council Buildings,
High Street, Dingwall, IV15 9QN



Tel: (01349) 868800 **Fax:** (01349) 863485 **Email:** FRM@highland.gov.uk **www:** www.highland.gov.uk

culverted watercourse is not one that we would be able to support except in very exceptional circumstances.

- iii). In this case the site is located within a quarry which puts severe constraints on the footprint available for the buildings and the watercourse diversion channel. The applicant has explained the difficulties in redirecting the watercourse around the buildings and the engineering problems created by the steep slopes that are present on the site. To incorporate a diversion channel that can convey the 1 in 200 year plus climate change design flood would be prohibitively expensive to the applicant and impractical in terms of the engineering required.
- iv). We recognise that by incorporating the existing culvert as a flood relief channel this removes a lot engineering problems that are encountered with the diversion route. This does, however, result in other risks associated with blockage and access constraints for inspection, maintenance and repair purposes.
- v). In the event of a blockage the only affected party would be the owners of the site. The development is on the coast so there are no downstream receptors and due to the relatively steep topography any backing up caused by a blockage would only affect the site itself.
- vi). The applicant has explained that the watercourse will be used as a source of water for the plant and as a result the reservoir and supply will be continuously monitored by staff on the site. The applicant also recognises the importance of an inspection and maintenance schedule for the flood relief culvert.
- vii). The buildings on the site are proposed to have raised finished floor levels (FFL) at 8.25mAOD that will ensure that there will be a minimum of 650mm of freeboard above surrounding ground levels. We are satisfied that this will provide an opportunity to design a safe flood routing path around the buildings in the event of a flood event and blockage/failure of the culvert.
- viii). We are also satisfied that the site levels and the proposed FFL of 8.25mAOD will ensure that the site is adequately protected against the risk of coastal flooding.
- ix). Taking into account the unique circumstances set out above we would be willing to accept the use of the existing culverted watercourse as a flood relief channel. Subject to the following **conditions**.
- x). We request a **condition** that the finished floor levels of the buildings are set no lower than 8.25mAOD.
- xi). We request a **condition** that prior to any works commencing on site a thorough and comprehensive structural survey of the existing culverted watercourse is carried out and the results provided to The Highland Council for review. Any repair work that is identified should be carried out prior to any works commencing over the route of the culvert.

- xii). We request a **condition** that a full updated FRA is carried out for the new proposed layout; this shall include assessment of blockage scenarios at the culverted sections. It will need to demonstrate that in the event of a blockage flood waters can be directed safely around the buildings without internal flooding.
- xiii). We request a **condition** that detailed design of the offtake weirs, the new channel and the diversion channel are submitted for review. Culverting of the new channel shall be kept to a minimum with open channels being used wherever possible (current options B1 and C1).
- xiv). We request a **condition** that a draft maintenance manual and monitoring schedule for the pond/reservoir, diversion channel and the flood relief channel/culvert is provided for review. This shall include details of access points for inspection and repair purposes. Given the length of the culverted sections it is anticipated that manhole access points will be required. Details of proposed inspection schedules and any mitigation measures to prevent blockage or provide warnings should be included.
- xv). We request a **condition** that a flood emergency evacuation plan is provided for the site. In the first instance we would request that a safe dry access/egress route is provided from the buildings to the access road and this would need to be demonstrated in the FRA. If this cannot be achieved then the evacuation plan would need to ensure that personnel can evacuate the building in a timely manner prior to the onset of flooding.

DRAINAGE

- xvi). The proposed drainage layout (drawing: B2264800/L(95)108-1 rev P02) shows the general arrangements for the site. Discharge is to be into coastal waters, either directly or via the Allt Anavig within the site. It is stated that the surface water drainage system will be designed to manage runoff from events up to and including a 1 in 200 year return period event.
- xvii). We request a **condition** that the final drainage design is submitted for review and approval. This shall include calculations that demonstrate that the drainage system can manage a 1 in 200 year return period event. CIRIA SuDS Manual 2015 simple index approach data shall be included to demonstrate that adequate treatment is being incorporated.

From:Nicola MacKenzie
Sent:Tue, 20 Dec 2016 12:59:00 +0000
To:Epc
Cc:Mark Harvey
Subject:RE: The Highland Council. Consultation on Application - 16/03869/FUL
Attachments:16_03869_FUL SI Feed Plant Kyleakin.pdf, Letter Kyleakin Quarry PI_GIR_PII Aug 2016.pdf, RE: Proposed feed plant, Kyleakin THC Review PI, GIR, PII reports

EPC/Mark,

Please find attached my previously sent consultation response to the above application.

I have since reviewed the environmental statement - contaminated land relevant sections and has a telephone conference with consultants at Jacobs, which are summarised in the attached email dated 16th Nov 2016. I am currently awaiting confirmation/clarification of the issues raised.

Kind Regards,
Nicola.

Nicola MacKenzie
Scientific Officer (Contaminated Land)

Environmental Health welcomes your feedback. Please help us improve our service by taking our short customer survey by clicking on this link
<https://www.surveymonkey.com/s/highlandeh>

-----Original Message-----

From: Land Contamination
Sent: 20 December 2016 12:33
To: Nicola MacKenzie
Subject: FW: The Highland Council. Consultation on Application - 16/03869/FUL

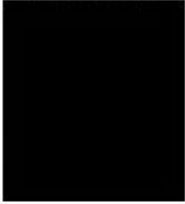
-----Original Message-----

From: epc@highland.gov.uk [<mailto:epc@highland.gov.uk>]
Sent: 19 December 2016 12:50
To: Land Contamination
Subject: The Highland Council. Consultation on Application - 16/03869/FUL

Please find attached details of a new application. We would appreciate your input. Please respond by:16/01/17. Responses should be sent to: epc@highland.gov.uk.

Kyleakin and Kylerhea Community Council

Treasurer:



Chairman:



Secretary:



15/10/2016

Area Planning and Building Standards Manager
Tigh Na Sgire
Park Lane
Portree
IV51 8GP

Dear Sir,

Reference 16/03869/FUL – The erection of a salmon feed manufacturing plant including an extension to the existing pier.

This application was discussed at a meeting on October 10th and we agreed that, provided any smell or noise is confined to the area of the site, we would support the application.

Yours sincerely



M G Taylor
Secretary Kyleakin & Kylerhea Community Council

Our ref: FFP-16-133
Your ref: 16/03869/FUL

05/10/2016

Dear Mr Harvey,

The erection of a salmon feed manufacturing plant including an extension to the existing pier at Altt Anavig Quarry, Kyleakin, Isle of Skye by Marine Harvest (Scotland) Ltd.

Thank you for your consultation request regarding the erection of a salmon feed manufacturing plant at Altt Anavig Quarry, Kyleakin, Isle of Skye.

MSS have no further comments to make in relation to aquaculture planning.

Yours sincerely

Marine Scotland Science

Our ref: FFP-16-159
Your ref: 16/03869/FUL

20/12/2016

Dear Mr Harvey,

The erection of a salmon feed manufacturing plant including an extension to the existing pier at Altt Anavig Quarry, Kyleakin, Isle of Skye by Marine Harvest (Scotland) Ltd.

Thank you for your consultation request regarding the erection of a salmon feed manufacturing plant at Altt Anavig Quarry, Kyleakin, Isle of Skye.

MSS aquaculture planning have no further comments to add to those submitted on 18/04/2016 (our ref. FFP-16-039) detailing aquaculture sites within the vicinity of the proposed feed plant.

Yours sincerely

Marine Scotland Science



**Defence
Infrastructure
Organisation**

Mr M Harvey
The Highland Council
Planning & Building Standards Service,
DWP Building, Girnigoe Street,
Wick,
Caithness
KW1 4HW
Scotland

**Safeguarding
Offshore**

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3818 **Tel (MOD):** 94421 3818

Fax: +44 (0)121 311 2218

Email: DIO-safeguarding-offshore@mod.uk

www.mod.uk/DIO

01 Nov 2016

Dear Mark ,

Your Reference: 16/03869/FUL

Our Reference: 10036133

MOD Safeguarding Butec

Proposal: Proposed Feed Mill, Kyleakin, Isle of Skye

Location: Land 320m NE of Allt-An-Avaig
Kyleakin

Scotland

Grid Reference:

Planning Reference: 16/03869/FUL

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 03/10/2016.

DIO Safeguarding originally responded to this application at the scoping stage, and our position hasn't changed.

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 been 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 advise 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.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Louise Dale

From: [ALLEN, Sarah J](#) on behalf of [NATS Safeguarding](#)
To: [Epc](#)
Subject: Your Ref: 16/03869/FUL (Our Ref: SG23793)
Date: 04 October 2016 13:50:11

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,

Sarah Allen
Technical Administrator
On behalf of NERL Safeguarding Office

If you are not the intended recipient, please notify our Help Desk at Email Information.Solutions@nats.co.uk immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

NATS computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system.

Please note that neither NATS nor the sender accepts any responsibility for viruses or any losses caused as a result of viruses and it is your responsibility to scan or otherwise check this email and any attachments.

NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

From: [ALLEN, Sarah J](#)
To: [Epc](#)
Subject: Your Ref: 16/03869/FUL (Our Ref: SG23793)
Date: 19 December 2016 14:26:20

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,

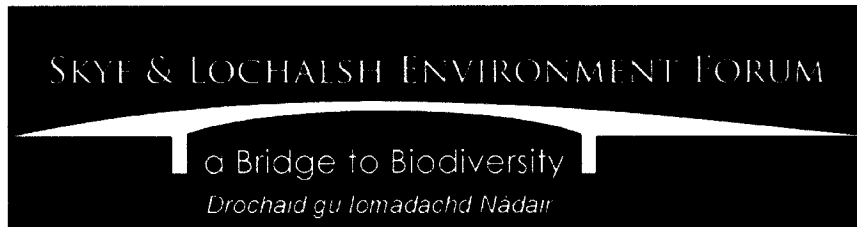
Sarah Allen
Technical Administrator
On behalf of NERL Safeguarding Office

If you are not the intended recipient, please notify our Help Desk at Email Information.Solutions@nats.co.uk immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

NATS computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system.

Please note that neither NATS nor the sender accepts any responsibility for viruses or any losses caused as a result of viruses and it is your responsibility to scan or otherwise check this email and any attachments.

NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.



8 November 2016

The Head of Planning and Building Standards
ePlanning Centre
The Highland Council,
Glenurquhart Road,
Inverness,
IV3 5NX

SLEF

The Highland Council
Processing Centre
Date Received:

10 NOV 2016

Dear Sir or Madam,

OBJECTION COMMENT:

16/03869/FUL | The erection of a salmon feed manufacturing plant including
an extension to the existing pier | Land 320M NE Of Allt-An-Avaig Kyleakin

Skye & Lochalsh Environment Forum (SLEF) has corporately agreed to oppose this development.

Please note that the opinions expressed in this letter have been submitted by a consensus of the SLEF board. They do not necessarily represent the opinions of each individual member and Mike Taylor in particular has requested that his name should not be associated with this letter.

Initially, SLEF was set up by The Highland Council in order to devise a Biodiversity Action Plan with the purpose of protecting biodiversity in all its manifestations. It is incumbent upon SLEF to oppose a development that will service an industry that is harmful to biodiversity, both species and habitats. We consider that net-cage salmon farming (as currently conducted in nets) is a significant and rapidly increasing threat to marine biodiversity. Any process that contributes to the proliferation of the salmon aquaculture industry (as currently conducted in nets) is unsustainable.

Salmon farming depends upon the net-cages it uses, not only to contain fishes but also to ensure disposal of fish waste for which the aquaculture industry takes no responsibility and pays nothing. Thus, the proposed feed manufacturing plant will provide salmon aquaculture throughout Scotland with material destined to become a significant marine pollutant. Obviously, some of feed input is removed from the system in the form of salmon flesh, but like all animals salmon defecate, so a substantial proportion of feed gets released into the marine environment. We are by no means reassured that toxic chemotherapeutants¹ added to feed for the control of sea lice do not find their way into the marine environment along with faeces and excess feed pellets.

Calculations based upon figures provided by, variously, the Scottish Government, the Scottish Salmon Producers' Organisation and fish farming companies themselves show that, currently, Scotland's 250 salmon farms are releasing into Scottish coastal waters in excess 200,000 tonnes of solid organic waste annually.

¹ e.g. emamectin benzoate = SLICE®

The region of sea bed beneath and in the vicinity of each fish farm is known to the Scottish Environment Protection Agency (SEPA) as the 'Allowable Zone of Effect' (AZE), in which all native life is exterminated bar a few detritivores that flourish in the anoxic bacterial mat that forms. As an *Environmental Protection* measure the AZE is surely a completely illegitimate concept.

Other calculations place dissolved nitrogen and phosphorus emissions at around four and a half times the equivalent in Scotland's human sewage, were it to be released into the environment untreated.

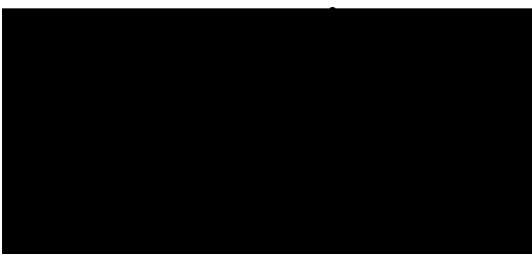
No matter what SEPA might consider 'allowable' pollution, we consider that wholesale waste disposal, as illustrated above and as is routine practice in salmon aquaculture, is unacceptable and should not be encouraged by enabling Marine Harvest to increase salmon feed production that will become unsustainable marine pollution.

The connection between the sea lice that infest and multiply in salmon farms and declines in populations of wild salmonids have been convincingly demonstrated (see the large corpus of peer reviewed research published on the subject, listed at www.scottishsalmonthinktank.net). An industry that has these detrimental impacts should not be encouraged.

We are constantly alarmed by the fish component of salmon feed, which will, as of routine, be a major part of the Kyleakin plant's output.² Other than in Marine Harvest's 'organic' feed, the fish meal and fish oil component is imported from Peru and Chile: anchovies and other oily fishes literally sucked out of the sea by fleets of factory ships. This industry is detrimental to South American coastal communities who are not only deprived of their traditional local fisheries, but they also suffer severe health problems as a by-product of fish meal production. Meanwhile, inevitably, as always happens with unregulated factory fishing, populations of fish species destined to feed salmon to be eaten in more prosperous parts of the world are declining. Contrary to the confident claims of aquaculture companies, salmon feed remains a disastrously unsustainable aspect of the industry.

Apart from the fish meal and oil components of fish meal, *all* problems associated with farming salmon in nets could be eliminated by a change to tank systems. Marine Harvest is indeed experimenting with closed-containment aquaculture and they must be encouraged to pursue this updating of an outmoded industrial methodology. We support this initiative, but remain concerned about a) continued use and proliferation of net-cage systems, with all of their environmental disadvantages, and b) the fish meal and oil component of the product to be manufactured at the proposed Kyleakin plant.

Yours faithfully,



John Phillips, Chairman of SLEF.

² <http://www.mhsfeedplant.co.uk/making-fish-feed>



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 Sgìre
Park Lane
Portree
IV51 8GP

FAO: Mark Harvey

16 November 2016

Your ref: 16/03869/FUL

Dear Mark,

Town & Country Planning (Scotland) Act 1997 Construction of salmon feed manufacturing plant including extension to existing pier, Allt-an-Avaig, Kyleakin, Isle of Skye

Thank you for your consultation on the above proposal dated 3 October 2016.

Summary

The information and assessment regarding marine impacts that we requested at the Environmental Impact Assessment (EIA) scoping stage has not been provided.

The proposal could affect nationally and internationally important natural heritage interests and **we therefore object to this proposal until the information on marine impacts requested in our EIA scoping responses is obtained from the applicant**. Once this information has been provided we will be able to give this proposal further consideration.

If the planning authority intends to grant planning permission against this advice without the requested information, you must notify Scottish Ministers.

We also request further clarification of aspects of the proposal to assist our assessment of impacts on landscape interests

Background

We provided scoping advice for the Environmental Impact Assessment of this proposal in May 2016 to both Highland Council (16/01492/SCOP) and Marine Scotland. We attended a subsequent meeting in July 2016 with the developer, Highland Council, Marine Scotland and SEPA to discuss the detail of the assessment. At that meeting we advised on a number of important issues where there were significant interactions between terrestrial and marine aspects. We recommended that a single Environmental Statement (ES) be provided covering all

Scottish Natural Heritage, King's House, The Green, Portree, Isle of Skye, IV51 9BS
Tel: 01478 612625 www.snh.gov.uk

Dualchas Nàdair na h-Alba, Taigh an Rìgh, An Àilean, Port Rìgh, An t-Eilean Sgitheanach, IV51 9BS. Fòn: 01478 612625 www.snh.gov.uk

environmental considerations which would meet the requirements of both the Planning and Marine Licencing processes.

Appraisal of the impacts of the proposal and advice

Our advice on this proposal will focus on two aspects of the natural heritage – marine ecology and landscape.

1. Marine

The proposal to extend the pier and dredge a berthing pocket could have significant impacts on several marine interests.

The introduction to the aquatic ecology (marine) section of the ES confirms that the agreed hydrodynamic modelling has yet to be completed. It states that '*a number of the assessments particular to the marine environment i.e. geomorphological features, ecological features and water quality will rely on the conclusions of the modelling work*'. We agree and advise that some of these aspects (and others such as benthic surveys; identification of pier construction methods; assessment of underwater noise) are relevant to the determination of this planning application as well as marine licensing.

The proposal lies within **Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC)** selected for its harbour porpoise. It could also affect **Lochs Duich, Long and Alsh cSAC** designated for its reefs. The sites' status means the requirements of the Conservation (Natural Habitats, &c. Regulations 1994 as amended (the "Habitats Regulations" apply). In our view, there is as yet insufficient information to determine whether the proposal is likely to have a significant effect on the above SACs.

The proposal is also close to **Lochs Duich, Long and Alsh Nature Conservation Marine Protected Area (NC MPA)** selected for its flame shell bed and burrowed mud. The site's status means that the requirements of the Marine (Scotland) Act 2010 apply. In our view this proposal is capable of affecting, other than insignificantly, Lochs Duich, Long and Alsh NC MPA. Consequently, Highland Council is required to carry out an assessment to determine if there is a significant risk of hindering the achievement of the conservation objectives. In our view, there is as yet insufficient information to determine whether the proposal will result in a significant risk of hindering the achievement of the conservation objectives.

We are therefore unable to advise you on the implications of the proposal for these interests until the information requested in our scoping response of 12 May 2016 (and detailed in subsequent discussions) is provided. In the meantime we object to this proposal.

2. Landscape

We have carried out an initial assessment of the submitted Landscape and Visual Impact Assessment. Further information would help our assessment, as detailed below. This information would enable us to provide you with more comprehensive landscape advice.

- Further details about shipping movements – ideally including illustrations / photomontages - including size of ships, likely 'docking position' relative to

the new pier and frequency and timing of deliveries / loading. This is important as the ships would be seen under the bridge in 'classic views' from the east which are currently open views to islands and wider seascape;

- Further details on the potential 'plume' which would be an 'eye-catcher' in both close-to (<5km) and in longer views. The plume is likely to be visible even when rest of development is not;
- Further information on proposed lighting (we understand that the plant will operate 24/7), ideally accompanied by an assessment of the impact on views < 5km. The Skye bridge is intentionally unlit and dark skies are highlighted in local tourist information;
- Clarification of the impact on views from Viewpoint 7 (Kyleakin war memorial) because the visual assessment (table 14.18) does not correlate with the submitted visualisation (Figure 8.3). The text says some parts of development are visible whilst the photomontages do not indicate this: which is correct?

If you would like any clarification or further advice please contact the case officer, Alex Turner, in our Portree Office (alex.turner@snh.gov.uk).

Yours sincerely

Steve North
Operations Manager
South Highland Area

From: Paul.Winn@transport.gov.scot
Sent: 23 December 2016 14:00
To: Epc
Cc: Ken.Aitken@transport.gov.scot;
John.McDonald@transport.gov.scot;
Andy.Donaldson@transport.gov.scot; Lesley.LOGAN@jmp.co.uk;
Alan.DeVenny@jmp.co.uk
Subject: GSX: THC Salmon Feed Plant Allt-An-Avaig TS ES
Response (2)
Attachments: THC Salmon Feed Plant Allt-An-Avaig TS ES
Response (2).pdf

Categories: CONSULTATION RESPONSES

Please see attached response to the above application

Regards,
Paul

Mark Harvey
The Highland Council
Planning and Development

epc@highland.gov.uk

Your ref:
16/03869/FUL

JMP ref:
TS00001

Date:
23/12/2016

Dear Sirs,

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

**THE ERECTION OF A SALMON FEED MANUFACTURING PLANT INCLUDING AN
EXTENSION TO THE EXISTING PIER, LAND 320M NE OF ALLT-AN-AVAIG, 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 have responded separately to the planning applications for this development.

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

Yours faithfully



John McDonald

**Transport Scotland
Trunk Road and Bus Operations**

cc Alan DeVenny- JMP Consultants Ltd