

**QTS**

**Site Environmental Scoping Report**

**Erbusaig**

**Kyle Line (KYL)**

**61 miles 0330 yards to 62 miles 0770 yards**

**NG 76015 30377 to NG 75474 28977**

**March 2024**

**LandLab**

# QTS Site Environmental Scoping Report Erbusaig

**Kyle Line (KYL)**  
**61 miles 0330 yards to 62 miles 0770 yards**  
**NG 76015 30377 to NG 75474 28977**

**Report prepared by LandLab Chartered Landscape Architects and Environmental Consultants**

**March 2024**

## Revisions Record

This report has been issued and amended as follows:

Issue	Revision	Description	Date	Approved by
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Written by: John Kennedy  
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## Summary

This scoping report identifies potential significant environmental risks relating to an area of land near Kyle of Lochalsh, Highland (the ‘worksite’) and recommends further actions to reduce these risks to an acceptable levels where essential lineside engineering works are planned. The report should be read in conjunction with the engineer’s Form A report for the project and other relevant project documentation. In summary, the key environmental risks and further actions required are as follows:

### **Planning consent referral.**

An appraisal of the requirement for planning permission is not covered in this scoping report. The Network Rail Planning Team should be consulted to obtain their advice regarding planning consent and other planning matters. **The following advice in this report is given assuming planning consent is not required.**

### **Ecology Survey work.**

A Preliminary Ecological Appraisal (PEA) must be undertaken, including a site visit, to make a visual inspection of the site to check for protected species and habitats, biodiversity, invasive species, and so on.

### **Noise and Lighting Disturbance.**

The site is located in a remote area with low levels of background noise and artificial lighting. Several residential properties are located within 500 metres east of the work site. The contractor should ensure the following noise and light mitigation measures using the BATNEEC principle, are incorporated into work method statements;

- night working is kept to minimum necessary
- quietest available machinery is selected
- lighting used is directional and only when and where required to do the work
- machinery is fitted with sound proofing and engine silencers where possible
- machinery is fully serviced to ensure operating at rated noise level

The local community surrounding the site should also be notified of the works prior to commencement. QTS Rail should also consider notifying local residents near the access point or temporary works compound. The local Environmental Health Officer (EHO) may also be notified of the works.

### **Inner Hebrides and the Minches SAC.**

The Inner Hebrides and the Minches (SAC) is located within 250 metres from the work site. This is a marine designation covering inshore coastal waters. The qualifying interest species is Harbour Porpoise *Phocoena phocoena*, which is sensitive to anthropogenic (man-made) underwater noise. Work is proposed onshore and no significant propagation of underwater noise is anticipated as a consequence of the works.

### **Harbour Seal Designated Haul Out Sites:**

#### **WSC-004 - Kishorn Island & Strome Islands**

#### **WSC-002 – Pabay & Ardnish Peninsula.**

These two sites are designated harbour seal *Phoca vitulina* haul out sites under The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014. The designated areas cover:

- North east of Plockton, the entire islands of Kishorn Island, An Garbh-eilean, Sgeir an Fheoir, Sgeir Buidhe, Eilean na Creige Duibhe, Ulluva, Eilean an-t-Stratha, Strome Islands and associated rocky outcrops, including those between Sgeir Bhuidhe and Eilean a Chairt, those between Eilean a Chairt and Eilean an-t-Stratha and those between An Garbh-eilean and the mainland.
- West of Kyle of Lochalsh, intertidal sandbanks and rocky outcrops surrounding Pabay, the entire islands of Sgeir Gobhlach and Sgeir Dubh and intertidal sandbanks and rocky outcrops along the coastline of Ardnish between Rubh Achadha' Chuirn and Broadford airstrip.

The nearest designated haul out site is approx. 7500 metres from the proposed work site.

It is an offence to intentionally or recklessly harass seals at significant haul-out sites under the Protection of Seals (Designation of Haul-out Sites) (Scotland) Order 2014. Any intentional or reckless action that causes a significant number of seals on a designated haul-out to stampede into the water is considered the kind of activity that would constitute harassment.

Harbour seal are present in the area between throughout the year and will haul-out to breed in June and July and to moult in August at sites around the Inner Hebrides.

Work is proposed onshore and no significant propagation of underwater noise is anticipated as a consequence of the works. Use of rock drilling equipment, with mitigation following BATNEEC, is likely to generate noise in the order of 125dB at around 30-50Hz. At 7500 metres distance, this is estimated to be no greater than 42dB. This noise level is likely to be mitigated by intervening landform and buildings between the source and receptor. The sensitivity of seals to airborne noise is thought to be similar to humans (Vella et al., 2001). Based upon available studies, and subject to further study, it is considered that this level of noise disturbance is unlikely to constitute harassment. Lighting disturbance is not likely to affect any haul – out sites because there is no line of sight. However, **as a precautionary measure, it is recommended that work is not undertaken during sensitive periods of breeding and moulting (June to August inclusive).**

#### **Loch Carron Marine Protected Area (NC MPA).**

Land below the approx. MLWS is designated a Marine Protected Area under the Marine (Scotland) Act 2010. To protect and conserve habitats and species on the seabed, a Marine Conservation Order prohibits fishing in this area. The MPA is not affected by the proposed works.

#### **Loch Carron Marine Consultation Area (MCA).**

Land below the MHWS is designated a NatureScot Marine Consultation Area. This is a non-statutory designation. Marine Consultation Areas are identified by Scottish Natural Heritage as deserving particular distinction in respect of the quality and sensitivity of the marine environment within them. Their selection encourages coastal communities and management bodies to be aware of marine conservation issues in the area. The MCA is not affected by the proposed works.

#### **Deposit / disposal of excavated material – more information required.**

The work scope has potential for excavation of spoil from Network Rail land. No information is provided regarding deposit / disposal of this material. Depending upon the quantity and handling proposed, this material may be classed as waste and covered by Statutory Regulations administered by SEPA.

## Background

- 1 This report presents the results of a desktop study to search for significant site specific environmental constraints on an area of land near Kyle of Lochalsh, Highland (the ‘worksite’) where essential lineside engineering works are planned.
- 2 The worksite is located on Network Rail land on the Kyle Line, between NGRs NG 76015 30377 and NG 75474 28977. The Network Rail reference mileage for the site is KYL 61 miles 0330 yards to 62 miles 0770 yards.
- 3 The report has been prepared to advise QTS of potential environmental constraints and opportunities, to provide baseline environmental information about the worksite, screen for potential significant environmental impacts and outline further actions required to reduce these impacts to an acceptable level.

## Site description

- 4 The work site is located on the Kyle rail line, between Kyle of Lochalsh Station and Duirinish Station, along the coast between Badicaul and Portnacloich. There are many dwelling houses located within 500 metres of the worksite. The landscape surrounding the work site is a rough pasture and heath, with rock outcrops and scattered scrub and trees. The worksite comprises two rock cuttings on the both sides of the railway.
- 5 The work site is approx. 2010 metres long covering an area of approx. 3.01 hectares. The approx. elevation of the site is 15 metres AOD. The work site lies within Highland planning authority.

*Figure 1; QGIS map showing location - site extents between red dots.*

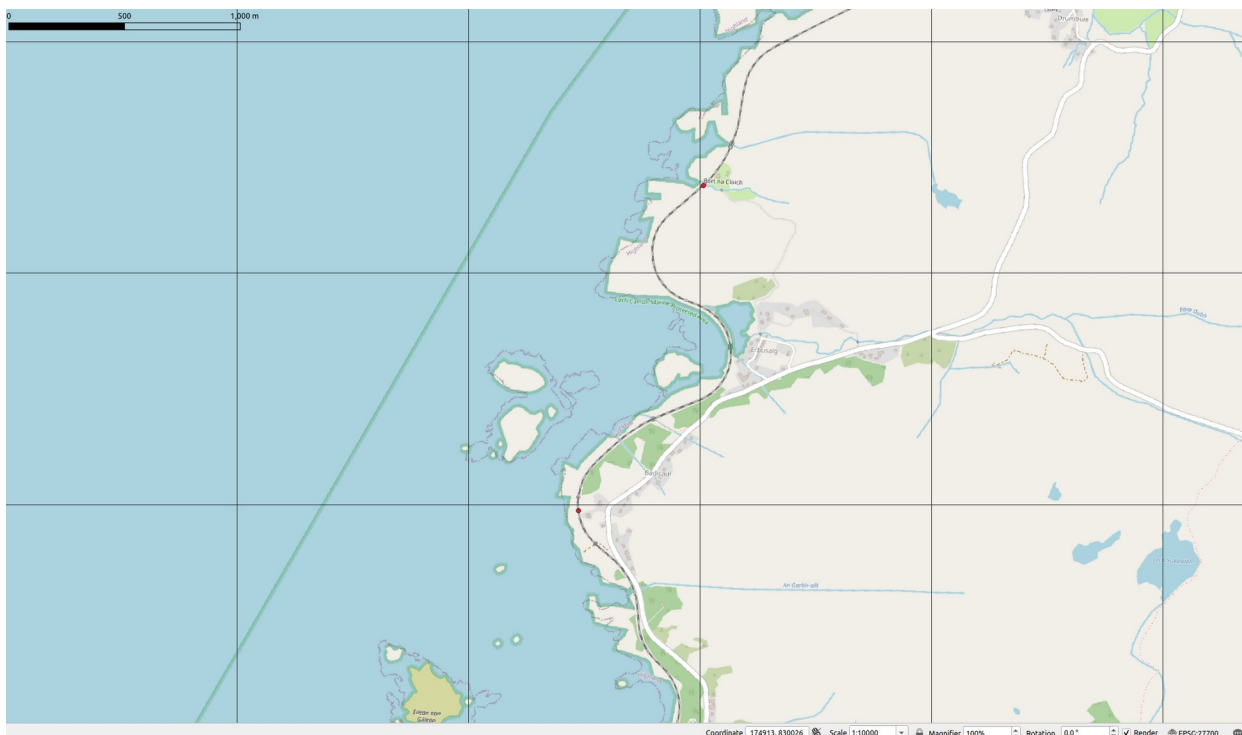


Figure 2; QGIS map showing Marine Consultation Area (blue dot hatching) - site extents between red dots.

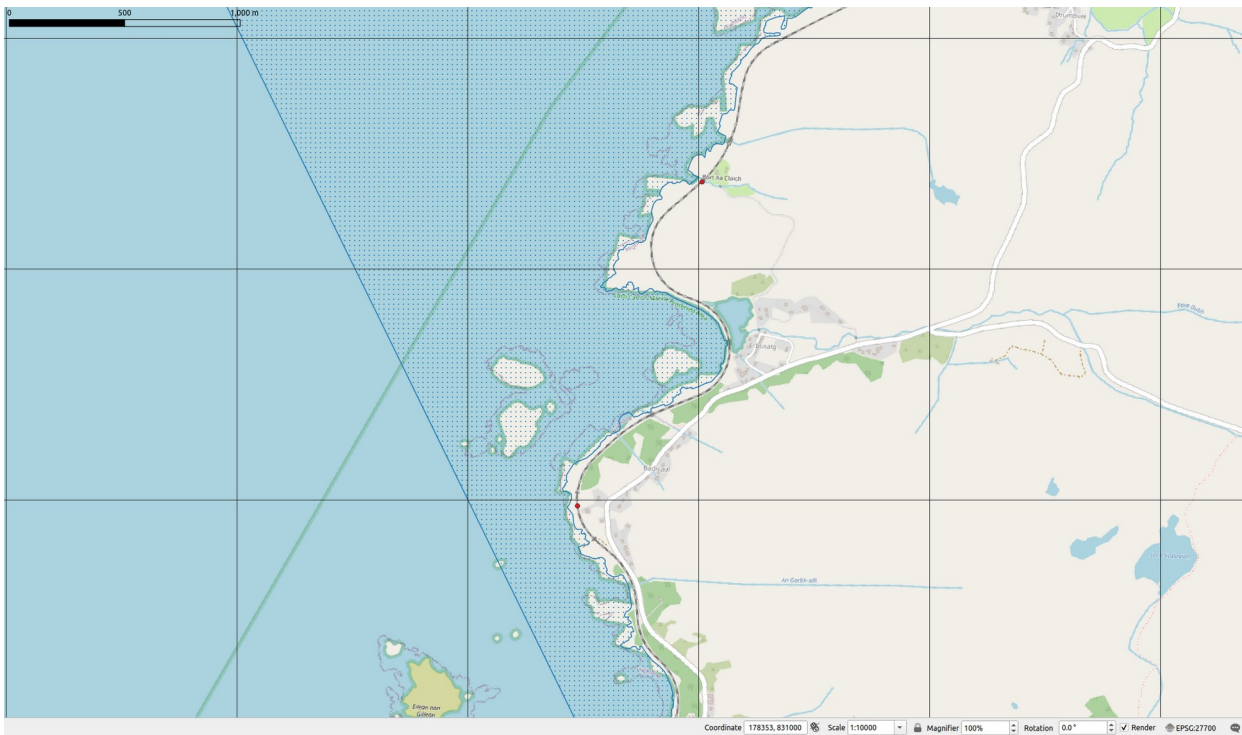


Figure 3; QGIS map showing Marine Protection Area (shaded blue) - site extents between red dots.

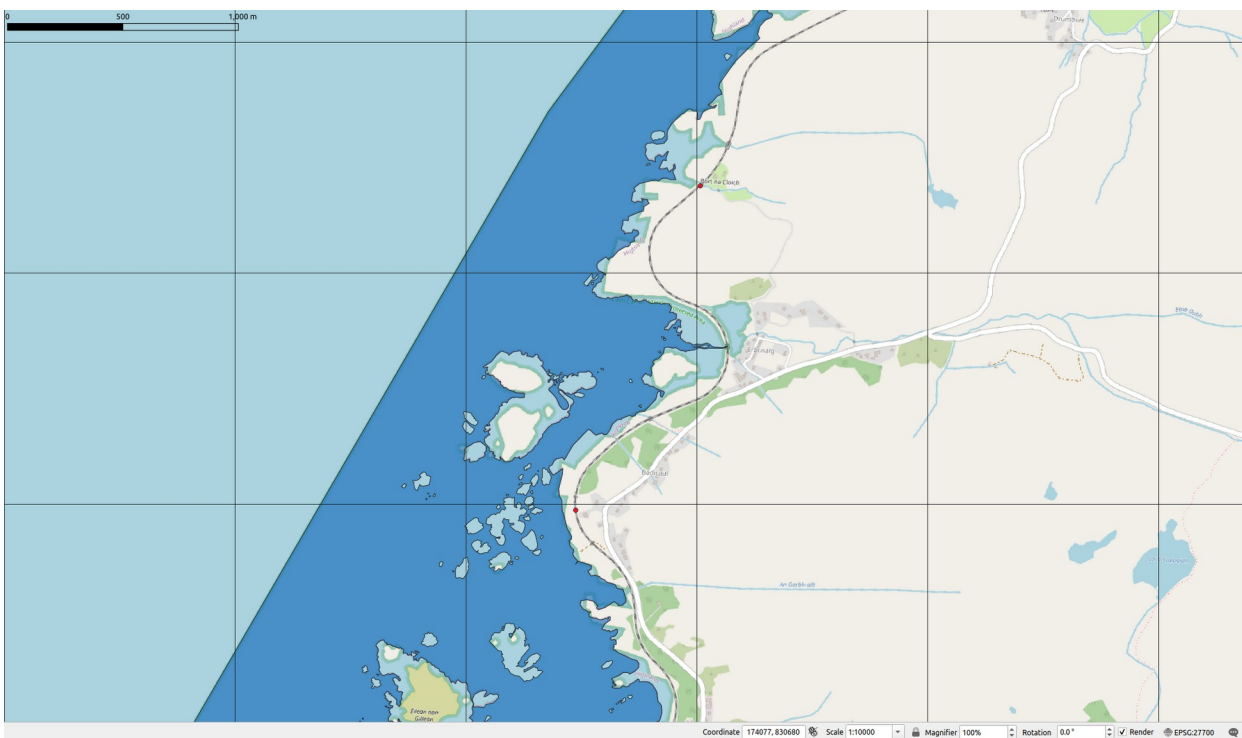


Figure 4; QGIS map showing SAC (hatched blue) - site extents between red dots.

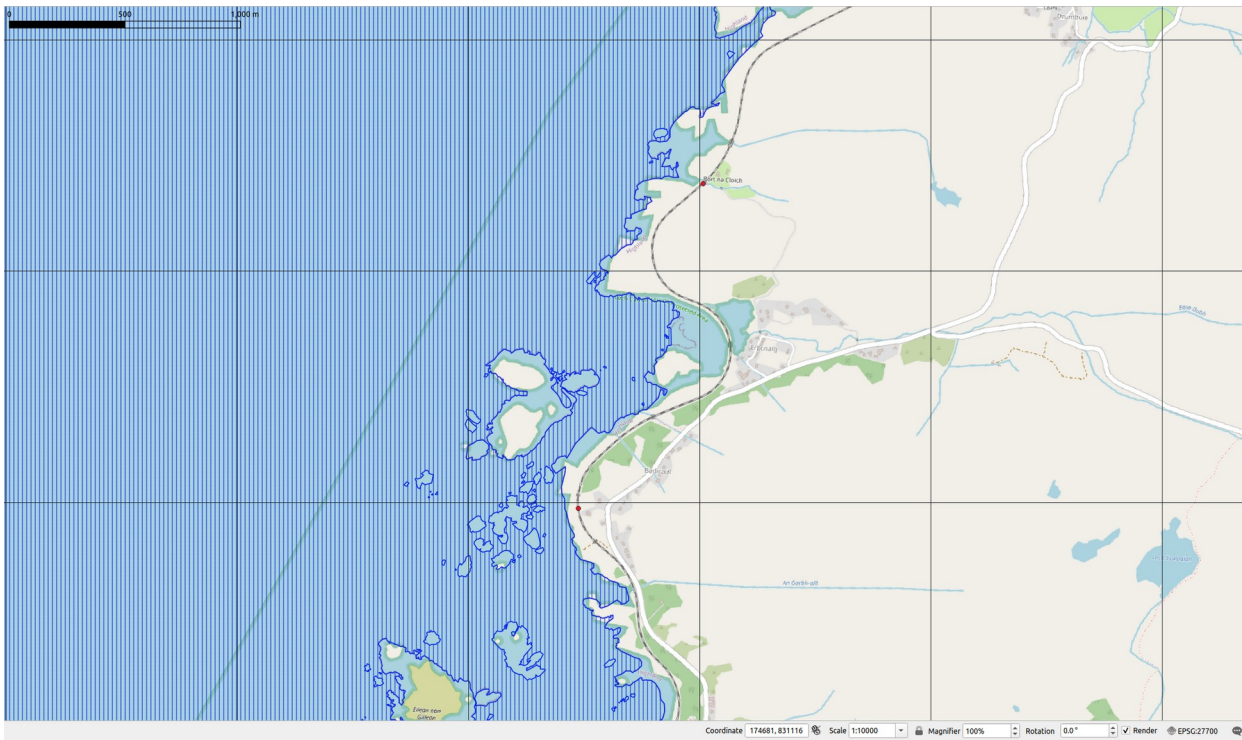


Figure 5; QGIS map showing Ancient Woodland (shaded pink / purple) - site extents between red dots.

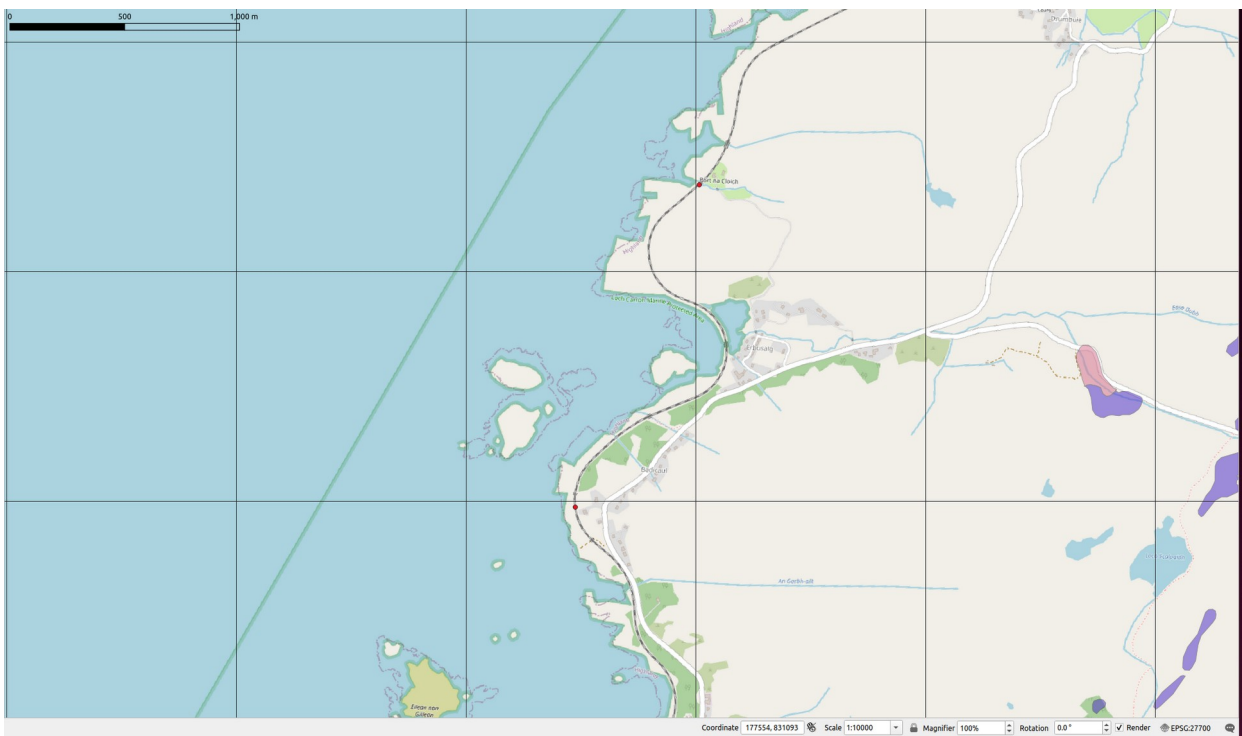




Figure 6; QGIS map showing Seal Haul-Out Sites (shaded grey) - site extents between red dots.

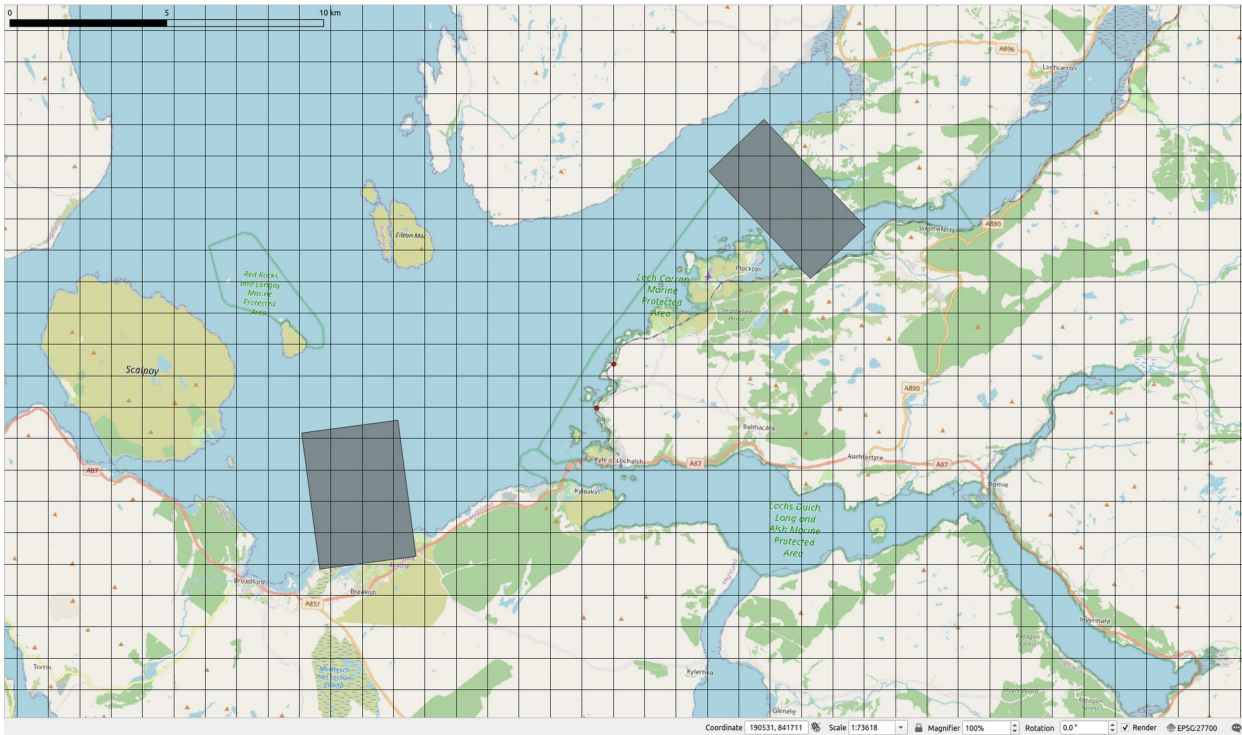
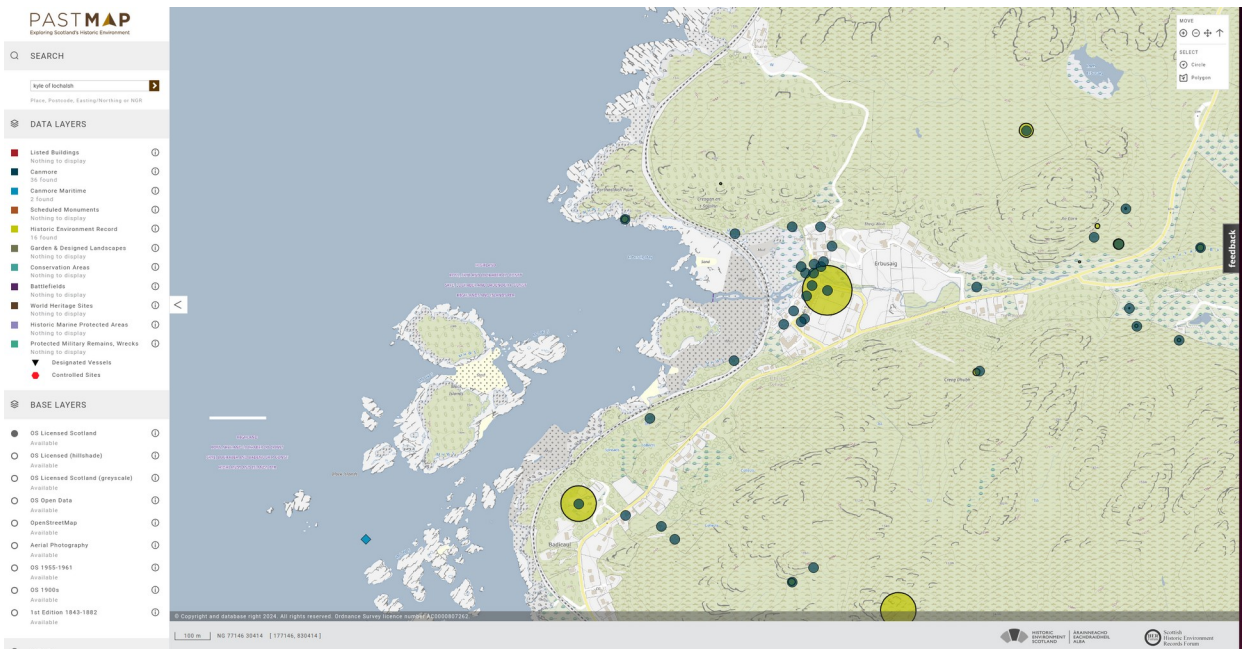


Figure 7; HES PASTMAP extract showing Historic Environment Records (HERs) highlighted green.



## Outline description of proposed work

- 6 The purpose of the works is to stabilise the cuttings within the mileage. At the time of this appraisal detailed designs have not been developed. The project remit is as follows:- Remove all vegetation to Scotland Route specification to enable full inspection of geotechnical assets and pro-actively manage vegetation within the boundary: Perform assessment of rock to inform the specification and design of mitigation measures as required: Scale, deveg and Install rockfall protection measures as designed.

## Scope and method

- 7 This desktop study is designed to cover routine and on-going drainage, slope stabilisation, fencing and vegetation management operations and activities. The method uses an environmental screening checklist based Network Rail's NR/L2/ENV/015 Contract Requirements: Environment (CRE), covering site specific environmental aspects. The 'study area' for the report includes a 250 metres area of search around the site.
- 8 The screening checklist used in this report covers general statutory requirements (excluding planning permission), including trees and landscape, ecology, traffic and access to the site, affects on the water environment, waste, noise, air and light pollution, archaeology and cultural heritage. The checklist does not cover everything included in CRE. Some aspects of CRE are not site specific, such as reduction of carbon emissions, materials, waste management and energy efficiency. Information and guidance about these environmental aspects can be found elsewhere, for example the QTS ISO 14001 Environmental Management System (EMS).
- 9 Searches for current or historical land use and activities on or near the work site to identify potential for contaminated land and water, or ground instability are not covered in this report.
- 10 An appraisal of the requirement for planning permission is not covered in this report. As a statutory undertaker for maintaining and developing the railway, Network Rail benefits from Permitted Development Rights (PDRs). For most railway operations, planning consent is not normally required. However, some operations, for example works on third party land, are not covered by PDRs and full planning permission may be required. Planning law relating to railway work is complex and needs to be dealt with on a case by case basis by planning specialists. **The Network Rail Planning Team should be consulted to obtain their advice regarding planning consent and other planning matters.**
- 11 The desktop study was undertaken in March 2024. Publicly available environmental information relating to the site was collected and reviewed against the proposed scope of works (as at the design stage developed at the date of the report). DEFRA MAGIC GIS was reviewed for information on statutory sites of international significance up to 250 metres from the worksite. HES PASTMAP was reviewed for historic environment information within 100 metres. A distance of 100 metres was used for all other statutory designated sites. The Highland planning authority Local Development Plan was reviewed for local planning designations, and the Highland planning authority interactive mapping service consulted for Tree Preservation Orders (TPOs). A distance of 25 metres was used for non-statutory designated sites. A search for notable habitats of nature conservation value (i.e. ancient woodlands) was undertaken using MAGIC GIS and the Woodland Trust GIS within 25 metres of the worksite. Consideration is given to the Local Biodiversity Action Plan (LBAP), which for this site is the Highland Local Biodiversity

Action Plan. Potential for protected / notable / invasive species is based on desktop information such as NBN records.

- 12 The baseline information gathered was used to complete an environmental screening checklist to assess potential site specific environmental risks and identify the need for future actions, licences or surveys required. Environmental issues scored as 'high' for this site and its work scope is presented in the form of a table over the following pages. The full checklist is provided at Appendix 1.
- 13 It should be noted that should the design changes to the proposed scope of works change during the construction period, the design changes should be reviewed and the screening checklist process carried out again.

## Results

- 14 The following table shows the environmental checklist filtered to show 'high' risk issues (scoring eight or higher) only. The full checklist is shown at Appendix 1.

QTS

SITE ENVIRONMENTAL CHECKLIST – KEY ISSUES SUMMARY

2024/25 / KYL / Erbusaig / 61.0330 to 62.0770

LandLab Job Number QTS-0942

Document Reference Number QTS-0942-ESR

**IMPORTANT** – THIS APPRAISAL CHECKLIST COVERS SITE SPECIFIC ISSUES ONLY. THERE ARE OTHER ENVIRONMENTAL ASPECTS LISTED IN NETWORK RAIL'S CONTRACT REQUIREMENTS ENVIRONMENT NR/L2/ENV/015 THAT ARE GENERIC (I.E. APPLY TO ALL JOBS) OR ARE JOB SPECIFIC (I.E. RELATING TO THE SCOPE AND METHOD OF WORKS), SUCH AS ENERGY, MATERIALS, AND WASTE.

INFORMATION ON ENVIRONMENTAL ASPECTS NOT LISTED BELOW CAN BE FOUND IN THE QTS ENVIRONMENTAL MANAGEMENT SYSTEM, AND / OR THE DESIGNER'S RISK ASSESSMENT / REGISTER.

SEARCHES FOR POTENTIAL CONTAMINATED LAND ARE NOT COVERED IN THE CHECKLIST BELOW.

<b>Likelihood</b>	<b>Impact</b>
Not Possible / relevant = 0	Negligible = 0
Possible – unlikely = 1	Low = 2
Possible – likely = 2	Moderate = 4
Certain = 4	High = 8

<b>Residual Risk Score</b>	<b>Residual Risk</b>	<b>Residual Risk Score</b>
0-4 = No / Low Risk		No / Low Risk = No further action required
4-8 = Moderate Risk		Moderate = Further action may be required
8+ = High Risk		High = Further action required

Issue	Description of Requirement	Impact	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
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GENERAL REQUIREMENTS

TREES AND LANDSCAPE

ECOLOGY

Habitats Directive Schedules 2 and 5 European Protected Species (EPS)	You need a mitigation licence if your work will have impacts on European protected species that would otherwise be illegal, such as: <ul style="list-style-type: none"> <li>capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)</li> <li>damaging or destroying their breeding or resting places (even accidentally)</li> <li>obstructing access to their resting or sheltering places (on purpose or by not taking enough care)</li> </ul>	The maximum penalty that can be imposed for an offence under the Habitat Regulations - <b>in respect of each single individual animal, roost, nesting site etc.</b> - is a fine of up to £5,000, and/or six months' imprisonment.	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
WACA 1981 Protected Birds Schedule 1	Under the Wildlife and Countryside Act, a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions.	The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - <b>in respect of each single bird, nest or egg</b> - is a fine of up to £5,000, and/or six months' imprisonment.	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
WACA 1981 Protected Animals Schedule 5	The following provides a <u>summary</u> of the offences in the Wildlife and Countryside Act 1981 (as amended) in relation to Schedule 5 protected animals. It is an offence to intentionally or recklessly: <ul style="list-style-type: none"> <li>kill, injure or take a wild pine marten;</li> <li>damage, destroy or obstruct access to any structure or place which such an animal uses for shelter or protection (a nest or den)*;</li> <li>disturb such an animal when it is occupying a structure or place for that purpose*;</li> <li>possess or control, sell, offer for sale or possess or transport for the purpose of sale any live or dead wild pine marten or any derivative of such an animal.</li> </ul> Knowingly causing or permitting any of the above acts to be carried out is also an offence.	The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act <b>in respect of each single individual animal, roost, nesting site etc.</b> - is a fine of up to £5,000, and/or six months' imprisonment.	Desktop NBN species records Check – inconclusive.	2	8	16	See Preliminary Ecological Appraisal

Issue	Description of Requirement	Impact	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
WACA 1981 Protected Plants Schedule 8	it is an offence to intentionally pick, uproot, or destroy any wild plant included in Schedule 8 and, under section 13(1)(b), an offence for anyone other than an authorised person to uproot any wild plant. It is a defence, under section 13(3), to show that the act was an incidental result of a lawful operation.	The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act <b>in respect of each single individual animal, roost, nesting site etc.</b> - is a fine of up to £5,000, and/or six months' imprisonment.	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
Protected Species: Badgers	Protection of Badgers Act 1992. Badgers and their setts (tunnels and chambers where they live) are protected by law. You may be able to get a licence from NE / SNH if you can't avoid disturbing badgers in their sett or damaging their sett.	You could be sent to prison for up to 3 years and get an unlimited fine if you're found guilty of any of these offences:  intentionally capture, kill or injure a badger damage, destroy or block access to their setts disturb badgers in setts treat a badger cruelly deliberately send or intentionally allow a dog into a sett bait or dig for badgers  You're breaking the law and could get an unlimited fine if you:  have or sell a badger, or offer a live badger for sale have or possess a dead badger or parts of a badger (if you got it illegally) mark or attach a marking device to a badger	Desktop NBN species records Check – inconclusive.	1	8	8	Unlikely – See Preliminary Ecological Appraisal
Non Native Species – WACA Schedule 9	In addition to <b>Section 14(1) of the WCA</b> which makes it illegal to re, ease or allow to escape into the wild any animal which is not ordinarily resident in Great Britain and is not a regular visitor to Great Britain in a wild state, or is listed in Schedule 9 to the Act: - It is also illegal to plant or otherwise cause to grow in the wild any plant listed in <b>Schedule 9</b> to the Act. The Schedule 9 list of animal and plant species has been amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 9)(England and Wales) Order 2010.	Offences under section 14 carry a maximum penalty of a £5,000 fine and/or 6 months imprisonment on summary conviction (i.e. at Magistrates' Court) and an unlimited fine (i.e. whatever the court feels to be commensurate with the offence) and/or 2 years imprisonment on indictment (i.e. at Crown Court).	None – no desktop check available.	2	8	16	See Preliminary Ecological Appraisal . Commonly occurring non-native species in the countryside include Japanese Knotweed ( <i>Fallopia japonica</i> ), Himalayan Balsam ( <i>Impatiens glandulifera</i> ) and Giant Hogweed ( <i>Heracleum mantegazzianum</i> ). The Schedule also includes commonly occurring garden species such Cotoneaster ( <i>Cotoneaster horizontalis</i> ), Montbretia ( <i>Crocsmia x crocosmiiflora</i> ), Rhododendron ( <i>Rhododendron ponticum</i> ) and a number of aquatic species.
Japanese Knotweed.	Japanese Knotweed is a WACA Schedule 9 plant. Also, the Environmental Protection Act (1990) has limited provisions for non-native species; soil and other waste containing viable propagules of invasive non-native plant species is classified as controlled waste. This has been applied to Japanese Knotweed <i>Fallopia japonica</i> , with the result that waste containing this species must be disposed of in accordance with official SEPA guidance designed to prevent the further spread of the plant.  Japanese Knotweed is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991. Soil containing rhizome material can be regarded as contaminated and, if taken off a site, must be disposed of at a suitably licensed landfill site and buried to a depth of at least 5 metres.	Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990. It also applies to anyone who acts as a broker and has control of waste. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.	None – no desktop check available. Not noted on PMs Remit	1	8	8	See Preliminary Ecological Appraisal
Giant Hogweed	Giant hogweed is a WACA Schedule 9 plant. It is also hazardous to human health. Superficially giant hogweed looks like common hogweed. It is a health and safety risk on site. The sap of giant hogweed causes phytophotodermatitis in humans, resulting in blisters and long-lasting scars. These serious reactions are due to the furocoumarin derivatives in the leaves, roots, stems.	The sap of the giant hogweed plant is phototoxic; when the contacted skin is exposed to sunlight or to ultraviolet rays, it can cause phytophotodermatitis (severe skin inflammations). Initially, the skin colours red and starts itching. Blisters form as it burns within 48 hours. They form black or purplish scars that can last several years. Hospitalisation may be necessary	None – no desktop check available. Not noted on PMs Remit	1	8	8	See Preliminary Ecological Appraisal

Issue	Description of Requirement	Impact	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Weeds Act	The Weeds Act aims to prevent the spread of the Broad Leaved Dock, Common Ragwort, Creeping Thistle, Curled Dock and the Spear Thistle. It is not illegal to allow these weeds to grow on ones land, however they must not be allowed to spread to agricultural land, particularly grazing areas or land which is used to produce conserved Forage. The Weeds Act empowers Scottish Ministers to serve notice to an occupier of land, in order to pvent certain specified weeds from spreading . Accordingly, where specified weeds are growing on non-agricultural land (e.g.railway embankments) actions stipulated in the Act should not be applied beyond the stage of inspection.	A statutory notice can be issued ordering the landowner to take action to prevent weeds from spreading. Failure to comply with the notice can result in a £1,000 fine, repeatable every 14 days. There are also government powers to enter land to take direct action and recover costs from the landowner.	None – no desktop check available. Not likely to be present on lineside in sufficient numbers to cause a nuisance.	1	8	8	See Preliminary Ecological Appraisal
European Protected Habitats (SAC / SPA)	Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are given legal protection by the Habitats Regulations. The Habitats Regulations ensure that any plan or project that may damage a Natura site - for example, a proposed development or an activity requiring a license - is first assessed and can only go ahead if certain strict conditions are met. This procedure is known as Habitats Regulations Appraisal, part of which is called 'appropriate assessment'. SACs and SPAs have a high level of protection because they are designated for habitats and species of European importance.	The maximum penalty that can be imposed for an offence under the Habitat Regulations - <b>in respect of SAC / SPA habitats is an unlimited fine</b>	Desktop GIS check – SAC to west along shoreline below MHWS.	1	8	8	Impacts considered unlikely – see report. No further action required.
Other National Nature Conservation Designations / Sites	There are other non-statutory nature conservation designations. These are forest nature reserve, caledonian forest reserve (Forestry Commission / Scottish Forestry) and RSPB reserves. The relevant party should be consulted re: work adjacent to these sites.	Potential significant damage to good community relations / significant loss of biodiversity. No special legal protection except presumption against development in the local plan. Material consideration in planning applications. Local authority / managing body should be consulted in the interest of good community relations. Also important for local biodiversity, so any works in these areas need careful consideration.	Desktop GIS check – Marine Protection Area and Marine Consultation Area to west along shoreline below MHWS.	1	8	8	Impacts considered unlikely – see report. No further action required.
<b>ARCHAEOLOGY AND CULTURAL HERITAGE</b>							
<b>TRAFFIC AND ACCESS TO THE SITE</b>							
<b>WATER</b>							
Controlled Activities Regulations (CAR)	It is an offence to undertake the following activity without a CAR Authorisation: any activity liable to cause pollution of the water environment including discharges of polluting matter and disposal of waste sheep dip and waste pesticides;	It is an offence to carry on a controlled activity unless it is authorised under the Regulations. Summary offences – up to £40,000 fine + 12 months imprisonment + £250 per day as long as offence continues.. On indictment, unlimited fine and up to 5 years in prison, + £1000 per day as long as offence continues.	Potential – minor works, risk of uncontrolled discharge .	1	8	8	Control measures recommended during construction to prevent pollution discharges off site.
SEPA Protected Areas	A significant number of the water bodies in Scotland are designated as protected areas. This is because of their importance for special purposes such as wildlife conservation, drinking water supply, shellfish harvesting or bathing.	Various criminal offences and penalties depending upon the sensitive area affected, covered by a wide range of regulations.	Desktop records check – marine designations near to worksite potentially affected.	1	8	8	Control measures recommended during construction to prevent pollution discharges off site.
<b>WASTE</b>							



Issue	Description of Requirement	Impact	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Depositing excavated spoil in infill areas or permanent deposits.	There are complex regulations governing waste, including the movement of excavated soil and rock. Once it is taken off the work site, this material becomes waste for the purposes of SEPA Waste regulations, unless an exemption can be applied. If an exemption applies, the activity still needs to be registered with SEPA. Note that in addition, planning consent and other statutory consents may be required, and an environmental appraisal must be made of the donor site to ensure all environmental aspects have been considered, including biodiversity offsetting if required.	Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is imposed under section 34 of the Environmental Protection Act 1990. It also applies to anyone who acts as a broker and has control of waste. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.	Potential to be in work scope.	1	8	8	Engineer / QTS to consider details of work scope / work method statement to design out requirement. SEPA should be consulted if waste materials taken off site, even if a deposit site has been agreed with a landowner on adjacent land. If spoil deposit proposed on adjacent land, this should be included in consultation with planning authority re: planning consent.
<b>NUISANCE AND POLLUTION (AIR, NOISE, LIGHT)</b>							
Noise and Vibration	With respect to railways there are no controls that specifically relate to noise from railways other than the powers within the Control of Pollution Act 1974 where construction noise is an issue. Noise from machinery, drilling, demolition work and other kinds of activity on construction sites can be very distressing for people who live nearby, particularly in otherwise quiet residential areas. Local councils can regulate noise from construction sites, both in advance of construction starting, and after a complaint. If a builder applies for consent, the council can set conditions to control noise. If the builder does not apply for consent, but it appears to the local council that construction is about to start, they can serve a noise control notice.	Adverse effect on community relations. After a complaint, council officers measure the noise coming from the site before deciding whether to impose conditions on how further construction work should be carried out. The council would consider whether the contractor has applied the " <b>best practical means</b> " to reduce or control the noise. If the noise continues and any conditions set by the council are broken, fines can be up to £20,000 for each offence in England, Wales and Northern Ireland. In Scotland fines for offences on industrial, trade or business premises can go up to £40,000.	Work scope and site context indicate potential to be a significant issue.	2	4	8	As a general rule of thumb, if a local residents letter drop is planned, the EHO should be notified.
<b>HERBICIDES AND PESTICIDES</b>							

## **Appendix 1 - Full scoping checklist**

The full desktop scoping environmental checklist is presented on the following pages.



QTS	<b>Likelihood</b>
SITE ENVIRONMENTAL CHECKLIST	Not Possible / relevant = 0
	Possible – unlikely = 1
2024/25 / KYL / Erbusaig / 61.0330 to 62.0770	Possible – likely = 2
	Certain = 4

<b>Impact</b>
Negligible = 0
Low = 2
Moderate = 4
High = 8

**IMPORTANT** – THIS APPRAISAL CHECKLIST COVERS SITE SPECIFIC ISSUES ONLY. THERE ARE OTHER ENVIRONMENTAL ASPECTS LISTED IN NETWORK RAIL'S CONTRACT REQUIREMENTS ENVIRONMENT NR/L2/ENV/015 THAT ARE GENERIC (I.E. APPLY TO ALL JOBS) OR ARE JOB SPECIFIC (I.E. RELATING TO THE SCOPE AND METHOD OF WORKS), SUCH AS ENERGY, MATERIALS, AND WASTE.

INFORMATION ON ENVIRONMENTAL ASPECTS NOT LISTED BELOW CAN BE FOUND IN THE QTS ENVIRONMENTAL MANAGEMENT SYSTEM, AND / OR THE DESIGNER'S RISK ASSESSMENT / REGISTER.

SEARCHES FOR POTENTIAL CONTAMINATED LAND ARE NOT COVERED IN THE CHECKLIST BELOW.

Issue	Desktop study – action taken to date / comments	Residual Risk			Next steps / Further Action Required to reduce risk?
		Likelihood	Impact	Score	
<b>Residual Risk Score</b> 0-4 = No / Low Risk 4-8 = Moderate Risk 8+ = High Risk		<b>Residual Risk Score</b> No / Low Risk = No further action required Moderate = Further action may be required High = Further action required			

**GENERAL REQUIREMENTS**

Environmental Impact Assessment Regulations 2017 (EIA Regs) Schedule 1	Project does not meet criteria for EIA – no action required.	0	8	0	No further action required.
Environmental Impact Assessment Regulations 2017 (EIA Regs) Schedule 2	Project does not meet criteria for EIA – no action required.	0	8	0	No further action required.
Environmental Impact Assessment Regulations 2017 (EIA Regs) Regulation 2(1)	Desktop records check – the project is located in a "sensitive area" listed in Regulation 2(1).	0	8	0	No further action required.
Marine Scotland Licence	Desktop check – work site does not lie below the MHWS.	0	8	0	No further action required.

**TREES AND LANDSCAPE**

Tree Survey	Notable trees not present in work site, all works within railway boundary.	0	2	0	No further action required
Tree Preservation Orders	Local Authority Records check – no.	0	8	0	No further action required
Trees in Conservation Areas	Local Authority Records check – no Conservation Areas.	0	4	0	No further action required

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Felling Permission (formerly Felling Licence)	Work scope - no work proposed on third party land.	0	8	0	No further action required.
Landscape impact	Desktop check for sensitive landscape / landscape capacity – no.	0	2	0	No further action required.
Visual impact / residential amenity	Desktop check for sensitive receptor – no.	0	2	0	No further action required.
National Parks (Scotland)	Desktop search – No	0	8	0	No further action required
National Scenic Area (NSA)	Desktop search – No	0	8	0	No further action required
Other local landscape designations and sites (non-statutory)	Desktop search – No	0	8	0	No further action required
<b>ECOLOGY</b>					
Habitats Directive Schedules 2 and 5 European Protected Species (EPS)	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
Habitats Directive Schedule 4 Species	Controlled activities not in workscope	0	8	0	No further action required
WACA 1981 Protected Birds Schedules A1 and 1A	Not in species range.	0	8	0	See Preliminary Ecological Appraisal

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
WACA 1981 Protected Birds Schedule 1	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
WACA 1981 Protected Animals Schedule 5	Desktop NBN species records Check – inconclusive.	2	8	16	See Preliminary Ecological Appraisal
WACA 1981 Protected Plants Schedule 8	Desktop NBN species records Check – inconclusive.	1	8	8	See Preliminary Ecological Appraisal
Protected Species: Badgers	Desktop NBN species records Check – inconclusive.	1	8	8	Unlikely – See Preliminary Ecological Appraisal
Protected Species: Deer	Not relevant to site / workscope	0	8	0	No further action required.
Protected Species: Seals	Not relevant to site / workscope	0	4	0	No further action required.
UK and Local BAP Priority Species and Habitats	Desktop check and review of work scope indicates <b>minor</b> direct loss of biodiversity within the work site, with potential increase in biodiversity.	2	0	0	No instruction from NR to implement biodiversity duty

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Ancient Woodland	Desktop search – no.	0	4	0	No further action required.
Non Native Species and planting and seeding works	Desktop check – lineside is classed as 'wild' for the purposes of this section.	0	8	0	Any planting and seeding works to be undertaken within Network Rail boundary <u>must</u> be from approved species lists / suppliers. Note that reinstatement of land to be reinstated to agricultural land is not 'wild' and is excluded from this requirement.
Non Native Species – WACA Schedule 9	None – no desktop check available.	2	8	16	See Preliminary Ecological Appraisal . Commonly occurring non-native species in the countryside include Japanese Knotweed ( <i>Fallopia japonica</i> ), Himalayan Balsam ( <i>Impatiens glandulifera</i> ) and Giant Hogweed ( <i>Heracleum mantegazzianum</i> ). The Schedule also includes commonly occurring garden species such Cotoneaster ( <i>Cotoneaster horizontalis</i> ), Montbretia ( <i>Crococsmia x crocosmiiflora</i> ), Rhododendron ( <i>Rhododendron ponticum</i> ) and a number of aquatic species.
Japanese Knotweed.	None – no desktop check available. Not noted on PMs Remit	1	8	8	See Preliminary Ecological Appraisal
Giant Hogweed	None – no desktop check available. Not noted on PMs Remit	1	8	8	See Preliminary Ecological Appraisal

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Weeds Act	None – no desktop check available. Not likely to be present on lineside in sufficient numbers to cause a nuisance.	1	8	8	See Preliminary Ecological Appraisal
Horsetail	None – no desktop check available.	1	2	2	See Preliminary Ecological Appraisal
Mammals (prevention of cruelty)	No desktop check available – no mammal burrows noted on PM's Remit and Form001.	0	8	0	No further action required.
European Protected Habitats (SAC / SPA)	Desktop GIS check – SAC to west along shoreline below MHWS.	1	8	8	Impacts considered unlikely – see report. No further action required.
SSSI Consent	Desktop GIS check. – no.	0	8	0	No further action required.
Site of Special Scientific Interest (SSSI) – Network Rail Key Performance Indicator	Desktop GIS check. – no.	0	8	0	No further action required.
Nature Conservation Order (NCO)	Desktop GIS check and NR SSSI register check. – no NCO covering land or activities.	0	8	0	No further action required.
Wetlands of International Importance (Ramsar Sites)	Desktop GIS check. – no.	0	8	0	No further action required.
National Nature Reserves NNRS	Desktop GIS check. – does not lie within or adjacent to a NNR.	0	8	0	No further action required.

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Other National Nature Conservation Designations / Sites	Desktop GIS check – Marine Protection Area and Marine Consultation Area to west along shoreline below MHWS.	1	8	8	Impacts considered unlikely – see report. No further action required.
Local Nature Reserves (LNRs)	Desktop GIS check. – no	0	8	0	No further action required.
Other Local Nature Conservation Designations / Sites	Desktop GIS check. – no	0	2	0	Unlikely as covered by SSSI, no further action required.
The “biodiversity duty”	Desktop check and review of work scope indicates <b>minor</b> direct loss of biodiversity within the work site, with potential increase in biodiversity.	2	0	0	No instruction from NR to implement biodiversity duty
<b>ARCHAEOLOGY AND CULTURAL HERITAGE</b>					
World Heritage Sites (WHS)	Desktop records check – none on or adjacent to worksite or potentially affected.	0	8	0	No further action required.
Scheduled Monument Consent	Desktop records check – none on or adjacent to worksite or potentially affected.	0	8	0	No further action required.
Listed Building Consent	Desktop records check – none on or adjacent to worksite or potentially affected.	0	8	0	No further action required.

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Historic Environment Records (HERs)	Desktop records check – none on or adjacent to worksite or potentially affected.	0	8	0	No further action required.
A+CH – non-recorded features	Desktop checks and survey work to date does not indicate any A+CH visible features within worksite.	0	8	0	Railway construction has already substantially disturbed ground – no further action required.
A+CH – unexpected discoveries	The lineside environment has already been significantly disturbed when the railway was constructed.	1	4	4	Very low risk – however a site operatives watching brief and incident plan is good practice.
Inventory Battlefields	Desktop records check – none on or adjacent to worksite or potentially affected.	0	4	0	No further action required.
Inventory of Historic Gardens and Designed Landscapes (HGDLS)	Desktop records check – none on or adjacent to worksite or potentially affected.	0	4	0	No further action required.
Conservation Areas (CA)	Desktop records check – no.	0	4	0	Work is permitted development within railway land. No further action required.
<b>TRAFFIC AND ACCESS TO THE SITE</b>					
Adverse affect on transport and access routes	Desktop records check – no.	0	2	0	No further action required.
<b>WATER</b>					

Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Controlled Activities Regulations (CAR)	Potential – minor works, risk of uncontrolled discharge .	1	8	8	Control measures recommended during construction to prevent pollution discharges off site.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
Controlled Activities Regulations (CAR)	Not in work scope.	0	8	0	No further action required.
SEPA Protected Areas	Desktop records check – marine designations near to worksite potentially affected.	1	8	8	Control measures recommended during construction to prevent pollution discharges off site.
<b>WASTE</b>					
SEPA Waste Exemption: spent ballast	Not in work scope.	0	8	0	Engineer / QTS to consider details of work scope / work method statement to design out requirement. If ballast is being taken off site, SEPA should be consulted.



Issue	Desktop study – action taken to date / comments	Likelihood	Impact	Score	Next steps / Further Action Required to reduce risk?
Depositing excavated spoil in infill areas or permanent deposits.	Potential to be in work scope.	1	8	8	Engineer / QTS to consider details of work scope / work method statement to design out requirement. SEPA should be consulted if waste materials taken off site, even if a deposit site has been agreed with a landowner on adjacent land. If spoil deposit proposed on adjacent land, this should be included in consultation with planning authority re: planning consent.
<b>NUISANCE AND POLLUTION (AIR, NOISE, LIGHT)</b>					
Noise and Vibration	Work scope and site context indicate potential to be a significant issue.	2	4	8	As a general rule of thumb, if a local residents letter drop is planned, the EHO should be notified.
Lighting	Work scope and site context indicate potential to be a significant issue.	2	2	4	As a general rule of thumb, if a local residents letter drop is planned, the EHO should be consulted.
Air	Work scope and site context indicate no potential to be a significant issue.	0	2	0	No further action required
<b>HERBICIDES AND PESTICIDES</b>					
Pesticide application	Desktop check shows proximity to sensitive water body downstream of on-site drainage channels, however work scope does not include use of herbicide spray.	0	8	0	Work scope indicates no herbicide application – using eco-plugs instead – if herbicide reqd. further advice should be sought from your local SEPA office prior to herbicide application.