



Kishorn Port Laydown Area

Environmental Supporting Document Version 2



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1 Introduction

This Environmental Supporting Document has been produced on behalf of Kishorn Port Limited (KPL) to support the marine licence applications for the proposed land reclamation, which will create a new laydown area at the port. The proposed laydown area is intended to provide support to a variety of sectors, including renewable energy.

The development will involve works both below Mean High Water Springs (MHWS) and above Mean Low Water Springs (MLWS). Works below MHWS were consented under a previous marine licence (Ref: 05003/03/0), but this expired in 2019. Therefore, a Marine Licence is being sought for works below MHWS, under the Marine (Scotland) Act 2010. Works above MLWS are already consented under the Town and Country Planning (Scotland) Act 1997 in an existing planning consent (18/05057/S42) granted by The Highland Council in April 2019 as modified by the planning permission application referenced 20/03543/S42, and granted in March 2021.

Several environmental topics have been considered within the application, including consideration under the Habitats Regulations due to the proximity and potential connectivity of the proposed development to designated sites.

The purpose of this report is to provide supporting information to the marine licence application process including details of project location, project description, alignment with the National Marine Plan; and to identify environmental effects and detail mitigation required to reduce potential negative environmental impacts. It builds upon the work completed to produce the 'EIA Screening - Supporting Document', which is provided in Appendix 1.

2 Project Description

2.1 Location

Kishorn Port (Grid Reference: NG 818 399) near the head of Loch Kishorn (Drawing 55/01), lies 8km west of the village of Lochcarron along the A896. Kishorn Port falls within the Community Council boundary of Lochcarron and within The Highland Council's jurisdiction. They are subject to a marine licence as is shown in Drawing 2000-115B.

2.2 Project Need

The recent redevelopment of Kishorn Port has seen the site emerge as a multi-user facility providing essential shipping and transportation services, with the dry dock being ideal for the construction, inspection, repair, maintenance and/or decommissioning of marine assets and vessels. In addition, Kishorn Quarry produces high-quality aggregates. With deep-water access, the site is recognised by Scotland's National Renewables Infrastructure Plan (N-RIP & N-RIP2) (Scottish Government, 2015) for its potential to support the offshore energy sector. This view has recently been echoed in the Scottish Offshore Wind Strategic Investment Assessment (SIA), which includes Kishorn in the West of Scotland Cluster (Smith, 2021).

The utilisation of the dry dock to produce offshore wind structures such as gravity bases, was one of the opportunities highlighted in the SIA due to the onsite source of aggregate for concrete production (Smith, 2021). As the offshore wind sector requires significant onshore space for construction, storage and assembly of turbines and bases, KPL wishes to create a new laydown area through land reclamation on the foreshore between the east quay and dry dock at Kishorn Port.

2.3 Development Description

A level laydown area is planned immediately adjacent to the east quay (Drawing 2000-115B) to create links to the dry dock. The laydown will be at +8.0m Chart Datum (CD) with a crest at +9.0m CD to prevent wave overtopping. The laydown will include raising the height of land to create an area of approximately 9.52ha in size, of which 8.03ha are below Mean High Water Spring (MHWS).

The construction of the proposed laydown area will include 3 main elements and are as follows:

- Minor modification of an already modified watercourse;
- Transportation of rock infill material from one area of the port to the proposed laydown area; and
- Coastal infill as part of the land reclamation to create the laydown area.

Further detail is in Section 2.3.1. Works are due to be carried out primarily during daylight.

The duration of the project is estimated to be 18 – 24months.

2.3.1 Construction

2.3.1.1 Minor Modification of Watercourse

Prior to undertaking the coastal infill works, it is required that a minor, but currently much modified watercourse – partially in culvert and draining the upper sections of the site – is diverted. The culverted watercourse, which runs via a storage pond, will be diverted from a single point immediately east of the dry dock, and re-routed to Loch Kishorn via an extended culvert to the edge of the coastal infill area. An existing narrow rock barrier on the eastern side of the dry dock will be removed to provide clear access to allow for the modification of the watercourse.

Drawing 2000-115B indicates the scale of the diversion. The proposed culvert will include the use of a single 1200mm diameter twin wall plastic pipe with access chambers along its length and an outfall structure through the rock armoured slope.

2.3.1.2 Transportation of Infill Material

KPL recently gained planning consent (Ref. No. 20/03541/FUL) to extend the dry dock. Approximately 400,000m³ of material will be removed to create the extension. The material required to be removed will consist of material arising from previous rock excavations in the port area and currently located on the terraces at the west quay of Kishorn Port. This will then be utilised in the land reclamation. The material will be graded, crushed, and screened as necessary on site, to produce appropriately sized stone required for the land reclamation. If there is a need for additional material of a given grade, for example large blocks for rock armouring, then these can be quarried specifically onsite if required.

The clean, appropriately sized stone will be transported using dump trucks from the processing area to the foreshore area east of the dry dock.

2.3.1.3 Land Reclamation Works

The seaward extent of the reclaimed land will be rock armoured, utilising excavated rock from the dry dock extension and/or from other permitted extraction areas within Kishorn Port. The material will subsequently be placed to form an outer perimeter bund for the infill area. Much

of the placement will be undertaken on land between MLWS and MHWS in tidal windows. As noted earlier, works above MLWS are already consented under an existing planning permission (18/05057/S42, as modified).

As placement is ongoing, the perimeter bund will be built up in compacted layers to provide continued vehicular access at all tidal states. On completion, a heavy-duty geotextile membrane will be secured against the inner slope and the infill will be completed by backfilling with crushed rock to form compacted layers (Drawing 2000-115B).

The length of shoreline rock armour will extend 724m, covering an area of approximately 11,946m². It is anticipated that primary rock armourstone (typically around 1m³ insize) and smaller secondary rock armour stone will be utilised to form the rock armour perimeter bund.

2.3.2 Operations

The additional laydown provided by the land reclamation and recontouring of the terrace area will allow large structures and components to be stored and worked on, such as wind turbine assemblages, in support of the renewable energy sector. It is envisaged that the extended laydown area will be suitable to support manufacturing and energy services project such as wind turbine storage and assembly.

2.3.3 Decommissioning

KPL are preparing an Interim Decommissioning and Restoration Plan (IDRP), in accordance with legislative requirements and published best practice at the time of preparation of the document. The IDRP shall include details about how all elements of the development are to be decommissioned and the land restored. Current understanding regarding plans for the area subject to this marine licence application is that the reclamation material would not be removed. However, the area would be made safe and potentially spread with a suitable growing medium to allow it to naturally colonise or be seeded with local plant species.

3 Statutory Context

This section provides a summary of the statutory context which needs to be considered for the proposed development works.

3.1 Marine Licence

Under the Marine (Scotland) Act 2010 several activities listed in Part 4; Section 21 of the Act require a Marine Licence issued by the Marine Scotland Licensing Operations Team (MS-LOT). This includes any activity where the project intends to do any of the following below the Mean High-Water Spring (MHWS):

- Deposit or remove substances or objects in the sea either on or under the seabed;
- Construct/alter/improve any works in or over the sea or on or under the seabed;
- Remove substances or objects from the seabed; or
- Dredging activity.

Due to the creation of the proposed laydown area below MHWS, a Marine Construction Licence is necessary.

A screening request was submitted to Marine Scotland in February 2020 under regulation 10(1) of the Marine Works (Environmental Impact Assessment (EIA)) (Scotland) Regulations 2017.

Marine Scotland concluded that no EIA was required. Copies of the EIA Screening- Supporting Document and Screening Response are provided as Appendix 1 and 2, respectively.

3.2 Marine Pre-Application Consultation

The Marine Licensing (Pre-application Consultation (PAC)) (Scotland) Regulations 2013, prescribe the marine licensable activities that are subject to PAC and in combination with the Marine (Scotland) Act 2010, set out the nature of the pre-application process. The proposed land reclamation to create a laydown area at Kishorn Port falls within regulation 4(d) as a construction activity within the marine area that exceeds 1,000m², therefore requiring the project to go through the PAC process. Consultation has been carried out to meet the requirements of the Marine Licensing (PAC) (Scotland) Regulations 2013 and Section 2 of The Marine Works and Marine Licensing (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020. A separate PAC Report has been produced for submission with the Marine Licence Application (Affric, 2021).

3.3 The Habitats Directive

The European Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora, is also referred to as the 'Habitats Directive' (European Commission, 1992). The primary aim of the Habitats Directive is to maintain biodiversity within the Member States and is transposed into Scottish law by a combination of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), commonly known as the 'Habitat Regulations' together with the Habitats Regulations 2010 (in relation to reserved matters).

The Habitats Regulations identify several habitats or species whose conservation interest requires the designation of Special Areas of Conservation (SACs), which form the Natura 2000 network of protected sites, in conjunction with Special Protection Areas (SPAs).

In addition, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licences by Scottish Natural Heritage (SNH). These species are commonly termed European Protected Species (EPS) and includes otters and marine mammals such as harbour porpoise.

3.3.1 *Habitat Regulations' Appraisal*

When a project could potentially interact with a Natura Site (SPA and/or SAC) or a Ramsar site, screening is required under the Habitats Regulations to identify if there are any Likely Significant Effects (LSEs). If there are, then an Appropriate Assessment (AA) needs to be completed by the competent authority. The legislative context for this requirement is based on Article 6(3) of the Habitats Directive (92/43/EEC), Article 4(4) of the Birds Directive (2009/147/EC) and is implemented in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations). Appendix 3 provides a Habitats Regulations Appraisal Pre-Screening Report, produced to aid the competent authority's assessment of the designated sites which may have their qualifying interests potentially affected by the proposed land reclamation works.

3.4 Wildlife and Countryside Act 1981 and Nature Conservation (Scotland) Act 2004

The Wildlife and Countryside Act 1981 (WCA) (as amended in Scotland) was originally conceived to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It has been extensively amended since it first came into force.

Schedule 5 of the WCA provides special protection to selected animal species other than birds, through section 9(4) of the Act, against damage to *“any structure or place which [any wild animal included in the schedule] uses for shelter and protection,”* and against causing disturbance whilst in such places.

The WCA contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making the above offences legal through the granting of licences by the SNH.

Important amendments to the WCA have been introduced in Scotland including the Nature Conservation (Scotland) Act 2004 (NCSA). Part 3 and Schedule 6 of this Act make amendments to the WCA, strengthening the legal protection for threatened species. The NCSA is also the instrument under which Sites of Special Scientific Interest (SSSI) are protected in Scotland.

The Wildlife and Natural Environment (Scotland) Act 2011 provided a new licensing element to the WCA within Scotland, specifically for certain non-avian protected species ‘for any other social, economic or environmental purpose’. This licensing purpose is qualified by two constraints; *“that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and that there is no other satisfactory solution”*. These actions can be made lawful through the granting of licences by NatureScot.

3.5 Protection of Badgers Act 1992

Badgers (*Meles meles*) and their setts are protected by the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004 making it an offence, amongst other actions, to willfully kill, injure, take, or attempt to kill a badger, or, by intentionally or recklessly causing or allowing disturbance or obstruction of a badger sett. As before, it is possible to carry out actions that would otherwise be illegal by way of the grant of a license from NatureScot.

3.6 National Marine Plan

As the project is partly below the MHWS and within 12 nautical miles (NM) of the Scottish Coastline it falls within the remit of the Marine (Scotland) Act 2010. The 2015 Scottish National Marine Plan (NMP) covering inshore waters is a requirement of the Act. The NMP lays out the Scottish Minister’s policies for the sustainable development of Scotland’s seas and provides General Planning Principles (GENs). Many GENs are specific to environmental topics; and are identified in Table 3.1, along with how the proposed works meet the requirements of a specific GEN of the NMP.

Table 3.1: Nation Marine Plan Principles

General Planning Principles	Requirements	Land Reclamation Considerations
GEN 2: Economic benefits	Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.	With deep water access, the site is recognised by Scotland's National Renewables Infrastructure Plan (N-RIP & N-RIP2) and Scottish Offshore Wind SIA (Smith, 2021). The additional level land will provide a suitable laydown area for large structures, such as a concrete batching and casting yard, as well as stockpile and fabrication areas. Moreover, it is envisaged that land reclamation and laydown area extension works are required to ensure the port is best placed to provide facilities necessary to support the renewable energy and oil and gas decommissioning sectors.
GEN 3: Social benefits	Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.	By providing a levelled area which has the potential to support numerous industries such as the renewables, oil and gas and decommissioning sectors, it is envisaged that current employment opportunities as well as new opportunities will be enhanced.
GEN 4: Co-existence	Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision-making processes, when consistent with policies and objectives of the Plan.	Once operational the uses of the laydown area will coexist to be operational simultaneously with other operations currently ongoing at Kishorn Port and Loch Kishorn.
GEN: 7 Landscape/seascape:	Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape, and visual impacts into account.	The land reclamation construction works which will create the laydown area are low-lying and thus will have no impact on the wider Wester Ross National Scenic Area.
GEN 8: Coastal process and flooding:	Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.	The perimeter of the land reclamation will be built up in compacted layers and rock armoured to provide continued coastal protection. The finished laydown area will be +7.3m CD. The coastline although further out will not change in shape and hence will not change waterflows or coastal processes in the vicinity.
GEN 9: Natural Heritage	Development and use of the marine environment must:	Ecological features of interest have been considered within this Environmental Supporting Document. Legal requirements have

General Planning Principles	Requirements	Land Reclamation Considerations
	(a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. Protect and, where appropriate, enhance the health of the marine area.	been taken into consideration throughout. Likely significant effects on designated sites are outlined in Appendix 3 and mitigation measures are outlined in Section 7. There are no negative implications on any Priority Marine Features due to the proposed development.
GEN 12: Water Quality and Resource	Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.	The placement of crushed rock and infill material will not breach any regulations of the Water Framework Directive (WFD). Plant and machinery which will be used in the process of various construction activities will adhere to the appropriate pollution prevention best practice to avoid any detrimental effects on the environment, as discussed in Section 6.
GEN 13 Noise:	Development and use in the marine environment should avoid significant adverse effects on man-made noise and vibration, especially on species sensitive to such effects.	Placement of crushed rock to create the perimeter bund and infill material behind the bund will mostly be carried outside of the water environment or in shallow waters and as such will not increase ambient underwater noise levels noticeably. Therefore, no adverse noise impacts are anticipated.
GEN 17: Fairness	All marine interests will be treated with fairness and in a transparent manner when decisions are being made in the marine environment.	KPL has had open dialogue with stakeholders in the development of the Marine Licence submission and will publish the submission to ensure transparency in the form of a PAC report.
GEN 18: Engagement	Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.	PAC has been completed and a report provided to support the Marine Licence application.
GEN 19: Sound Evidence	Decision making in the marine environment will be based on sound scientific and socio-economic evidence.	Information provided in this Environmental Supporting Document is based on current available scientific evidence, to inform the decision-making process.

4 Methodology

Since ‘*Scottish Ministers are content that the embedded mitigation of the Proposed Works is sufficient to ensure no significant impacts on the environment*’ (see Appendix 2), a proportionate, focused environmental review has been undertaken. The methodology utilised within this report is focused on the identification of potential effects (although not significant in EIA terms) such that appropriate mitigation can be implemented to minimise impacts arising because of the works.

4.1 Receptor Considerations

In the identification of ‘Known Sensitivities’ for the ‘EIA Screening – Supporting Document’ (Section 5 of Appendix 1) desk-based studies were completed, making use of publicly available reports and data and supported by the provision of protected species information.

No field survey work has been carried out since 2019 due to lockdown measures implemented by the Scottish Government in response to the outbreak of COVID-19, as such the information presented within the Screening Report is still the most up to date. Section 5 of Appendix 1 has been utilised to understand the surrounding environment. Section 5 of this document highlights the main receptors which are relevant to the identification of impacts and mitigation.

4.2 Identification of Impacts and Mitigation

Potential effects associated with construction and operational phases were identified in Section 6 of the EIA Screening –Supporting Document’ (Appendix 1). The effects were considered in terms of EIA significance, not in terms of whether there is a noticeable effect would occur. This document considers the potential effects of construction to understand whether negative effects could be reduced further by implementation of proportionate mitigation, or if positive benefits could be enhanced with additional measures. The focus is on the construction stage as the operational stage will form part of the wider port activities which are managed on a day-to-day basis under the port’s management systems. This includes ensuring compliance with planning consent conditions which legally apply to most of the laydown area, but through the management system are applied to all applicable site areas.

5 Baseline

5.1 Biodiversity

The ‘EIA Screening – Supporting Document’ identified three nature conservation designations within 20km of the development site with potential connectivity as detailed within Table 5.1 of that report. The further consideration column in Table 5.1.1 below takes account of Screening Response provided by Marine Scotland as included as Appendix 2.

Table 5.1.1: Statutory Nature Conservation Designations with Potential Connectivity to the Development Site

Site	Designation	Distance and Direction	Qualifying Feature(s)	Further Consideration
Loch Carron	MPA	1.97km WSW	Flame shell beds, Mearl beds	Potential effects associated with changes in water quality, mitigation to protect water quality is required.
Inner Hebrides and The Minches	SAC	3.31km WSW, 16.5km N & 15.2km S	Harbour porpoise (<i>Phocoena phocoena</i>)	Harbour porpoise can be impacted by changes in water quality and underwater noise. Mitigation to minimise underwater noise and to protect water quality is required.
Loch Maree Complex	SAC	11.4 – 18.7km NE	Acidic scree, Alder woodland on floodplains, Alpine and subalpine heaths, Blanket bog, Bog woodland, Caledonian forest, Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels, Depressions on peat substrates, Dry heaths, Montane acidical grasslands, Plants in crevices on acid and base-rich rocks, Tall herb communities, Western acidic oak woodland, Wet heathland with cross-leaved heath	The mobile feature could be affected by the development, this could be due to construction works causing harm or disturbance to habitat or water quality impacts, all of these need considered further to allow appropriate mitigation to be identified for

In addition to receptors associated with the designated sites the 'EA Screening –Supporting Document' details evidence of other ecological receptors which may require consideration:

- – previous ecological surveys have identified
 present within the port.
 could be disturbed by works or have their habitat affected if material is taken from areas where they are present. A pre-construction survey will identify if
 are present in onshore areas that could be affected to inform mitigation. This has been included in the Schedule of Mitigation (SoM) see Section 7.
- Ornithology – not a major concern for this site, however all bird nests are protected, hence if works are planned during the breeding bird season, a check for nests for onshore areas will be required immediately prior to works commencing. If found appropriate exclusion zones will be needed until birds fledge. This has been captured within the SoM see Section 7.
- Marine Mammals – potential for a variety of marine mammals in addition to the harbour porpoise discussed in Table 5.1.1 however mitigation identified to protect the porpoise will also minimise impacts on all other marine mammals hence they can be considered together.

- Benthic Ecology – the development site is of no particular importance regarding benthic ecology. NatureScot (formally Scottish Natural Heritage) have stated that the works should not affect any Priority Marine Features (PMF) (see Appendix 2). As such the loss of benthic habitat will not be considered further, focus will instead be on the protection of water quality due to potential knock-on effects to benthic ecology outwith the direct footprint of the development as discussed in Table 5.1.1.
- Fish and Aquaculture – as with benthic ecology any potential impacts on fish and aquaculture would be due to impacts on water quality hence the focus on ensuring water quality is maintained.

5.2 Archaeology

A review of known archaeology assets was completed during the screening stage, see Section 5.5 of Appendix 1. No assets of concern were identified. This was confirmed by Historic Environment Scotland (HES) who stated that they 'had not identified any potentially significant impacts on historic environmental interests'. HES did, however, recommend that if there are any archaeological discoveries during the works, they should be appropriately recorded, and mitigation measures put in place. A protocol for archaeological discoveries has therefore been included within the SoM see Section 7.

5.3 Landscape

Kishorn Port lies within the southern part of the Wester Ross National Scenic Area (NSA). This NSA is designated in part for having some of the finest mountain scenery in Scotland and for embracing a diversity of landscapes from myriad lochs to intricate coastlines. Effects on landscape of the proposed works have previously been assessed as part of the planning consent process due to the significant overlap with the marine licence area. No additional assessment or mitigation is therefore identified within this document.

5.4 Land, Air and Water

5.4.1 Land

Section 5.6 of Appendix 1 provides an overview of the geology of the area. The intertidal area is underlain by Applecross Formation sandstone overlain with marine deposits of sand and gravel. The port has had bathymetry survey undertaken which covers this and the wider water areas fronting the port. A ground investigation to inform the detailed design requirements for the land reclamation is planned. This will give additional information regarding the particle size distribution and depth of the beach deposits. The ground investigation findings are not expected to change the concept design or change any effects on the environment.

5.4.2 Air

As discussed in Section 5.7.2 of Appendix 1, the Kishorn area is expected to have good air quality due to its rural setting. Construction could give rise to dust, however due to the distance to potential dust sensitive receptors impacts are unlikely. Dust and air quality mitigation has however been included within the Schedule of Mitigation in Section 7 to ensure there are no dust related impacts.

5.4.3 Water

As discussed in Section 5.1 maintaining water quality is essential for the welfare of ecological receptors in the vicinity of the works. As discussed in Section 5.7.3 of Appendix 1, the water bodies in the area have the following status according to the Scottish Environment Protection Agency (SEPA) River Basin Management Plan classifications (SEPA, 2015):

- Loch Kishorn – Good;
- Russel Burn (sea to Russel) – Moderate; and
- Russel Burn (Russel to source) – Good.

The AlltCnoc nan Uan, which will need to be subject to a culvert extension as discussed in Section 2.3.1.1, is highly modified.

5.5 People

As discussed in Section 5.8 of Appendix 1 the closest residential areas are Ardarroch 2.1km to the east and Achintraid 2.5km to the southeast.

5.6 Noise

The Kishorn Port is an existing site with a variety of ongoing activities which can give rise to noise. The site is subject to cumulative operational noise limits of 45dB_{L_{Aeq,1hr}} Monday to Saturday 0700-1900 and 42dB_{L_{Aeq,1hr}} at all other times at any noise sensitive property. A noise monitoring scheme has been developed as required by Condition 18 of planning consent 20/03543/S42.

5.7 Traffic and Transport

Information regarding traffic and transport was provided in Section 5.9 of the Screening Report. Since then, further traffic and transport assessments have been completed to support the planning application for the extension of the dry dock. As the material removed to extend the dry dock is being utilised in the land reclamation area avoiding the need to move that material on the public road the two projects are linked. The planning consent for the Dry Dock Extension 20/03541/FUL includes conditions regarding traffic management and workforce traffic plans. Similarly, the consent associated with the masterplan for the site which includes the land reclamation area has consent conditions regarding traffic management as such there is no need to consider traffic and transport further as part of the Marine Licence application.

5.8 Navigation

Loch Kishorn, in addition to being utilised by KPL for port related activities, has vessel movements and activities associated with:

- Fishing (static and mobile gear);
- Fish farming;
- Fish farm cage manufacturer; and
- Leisure activities.

The need to understand and manage interactions with other users of the Loch are well recognised. As such, a Marine Users Liaison and Mitigation Action Plan (MULMAP) has been prepared by KPL and consulted upon with stakeholders under conditions specified under planning consent 20/03541/FUL and 20/03543/S42. The MULMAP is currently with Marine Scotland for review. The MULMAP will apply to activities associated with the construction and

operation of the land reclamation and as such, navigation is not considered further within this document.

6 Potential Impacts

Several potential impacts arising from the construction and operational phases of the proposed development have been identified and are described in Table 6.1.

Table 6.1: Construction Impacts and Sensitivities

Source	Sensitive Receptor	Potential Impacts
Reclamation of land over the foreshore and general construction activities.	Otter	If in the vicinity of works there is a potential for harm or disturbance due to vehicle movements and placement of rocks etc. Mitigation can effectively reduce risks (see Section 7).
	Badger	If setts are found in the vicinity of works, there is the potential to cause disturbance. This will be minimised by works being carried out primarily during daylight hours. Mitigation measures are detailed in Section 7.
	Birds	If present, birds could be disturbed. If works are completed during the breeding season, then there is the potential to impact upon nesting birds with a risk of breeding failure. Mitigation can effectively reduce risks (see Section 7).
Placing of material in the sea to reclaim land.	Loch Kishorn	Potential increased sedimentation resulting in a decrease in water quality, with potential knock-on effects to marine receptors in the immediate vicinity. Mitigation can effectively reduce these risks (see Section 7).
	Marine Ecology	
Placing of material in the sea to reclaim land.	Marine Mammals	Disturbance due to underwater noise associated with land reclamation works. Mitigation can effectively reduce these risks (see Section 7).
Accidental spill of fuel oil/diesel and hydraulic fuels and oils – also related to machinery faults	Allt Cnoc nan Uan	Accidental releases of polluting materials depending on where it occurs can impact upon land and/or water quality with knock on ecological implications if not dealt with promptly. Pollution prevention measures, and spill management plans are therefore required as discussed in Section 7.
	Loch Kishorn	
	Marine Ecology	
	Land	
	Terrestrial Ecology	
Dust arising from rock placements and/or transportation of materials	Air Quality	Dust can lead to localised (within 500m) reduction in air quality and drop out on surfaces causing a nuisance. Dust management is proposed in Section 7.
	Water Environment	Dust blown into the sea can be a source of sedimentation.

Use of machinery	Air Quality	Greenhouse gas emissions associated with fuel use, note this is minimised through use of short haul of rock on-site, rather than importation from off site.
General Construction Activities including welfare facilities giving rise to waste.	Marine Environment	Waste needs to be managed appropriately to ensure that it does not give rise to litter in the terrestrial or marine environment, where it can cause harm. Mitigation is identified within Section 7.
	Terrestrial Environment	

7 Mitigation

Mitigation measures have been identified to minimise environmental impacts during the construction phase of the proposed development and are collated below in the Schedule of Mitigation (Table 7.1).

Table 7.1: Schedule of Mitigation

Topic	Mitigation Measures/Enhancement
Ornithology	- If works are to be carried out in the breeding bird season, a pre-construction check for nests will be carried out. - If a nest is found during the pre-construction survey or once construction has started a species-specific exclusion zone will be implemented, and any additional specific mitigation identified and implemented.
Otter	- Pre-construction survey prior to works commencing for otters. - Assess need for protected species licence if couch, layups, or holts are found in the vicinity of works. - Identify and implement specific mitigation based on survey results. For example: Installation of appropriate exclusion zones to minimise disturbance. - Minimise area and duration of disturbance. - Works carried out during day light hours where practical. - Use of artificial lighting minimised where possible and directed towards works areas if required. - Measures to prevent entrapment such as capping stored pipes/tubes or storing upright. - Site speed limit to be followed to minimise chance of collision.
Badger	- Pre-construction survey prior to works commencing for badgers. - Assess need for protected species licence under WCA, if there are works planned within 30m of a sett. - Identify and implement specific mitigation based on survey results. For example: installation of appropriate exclusion zones to minimise disturbance. - Works carried out during day light hours where practical. - Use of artificial lighting minimised where possible and directed towards works areas if required.

Topic	Mitigation Measures/Enhancement
	- Measures to prevent entrapment such as capping stored pipes/tubes or storing upright, ensuring excavations are suitably fenced off or ramp exits provided. - Site speed limit to be followed to minimise chance of collision.
Water Quality – silty water.	- Ideally the revetment should be completed prior to infill commencing. If this is not practicable then additional silt mitigation for example silt curtains may be deployed. - Geotextile to be installed on inside edge of revetment prior to the smaller infill material being placed. - Water within the revetment will be in hydraulic continuity with the sea if this is not sufficient to allow seawater which is displaced by infill to be released then a weir system should be utilised. - Checks should be made regarding the presence of silty water and if required additional mitigation deployed.
Marine Mammals and Fish Fuel/	Large rocks will be placed on the seabed, and infill will be tipped to minimise the creation of underwater noise.
Oils and Hazardous Substances	- Fuel storage should be under strict management controls and compliant with GBRs 26 and 28. - Fuel storage tanks will be locked when not in use. - Refuelling should be carried out in designated areas, by trained operatives following site refuelling procedures. - Fuel storage should be double skinned, stored on level ground in an appropriate area away from watercourses and drains and where it is not at risk of being ‘crashed into.’ - Where practicable, bio-degradable hydraulic fluids will be utilised in machinery during construction. - All oils and chemicals will be subject to Control of Substances Hazardous Health (COSHH) assessments under the COSHH Regulations 2002. - All COSHH assessments will include a section on the environment to highlight and specific precaution or mitigation requirements relevant to the site. - Appropriately bunded oil and chemical storage cabinets will be provided on site and kept locked with the key under management control to ensure appropriate use and accountability. - Appropriate spill plans aligned to the pollution control hierarchy and spill kits will be in place with construction operatives trained in the plans and use of spill kits.
Dust pollution	- Appropriate planning to minimise the number of times dust emitting material is moved, it should be placed promptly to minimize the amount of material stored. - Dust checks should be completed and if necessary stored materials, and placed materials (out of the water) with the potential to give rise to dust during dry periods should be dampened.

Topic	Mitigation Measures/Enhancement
Greenhouse gas emissions	Minimisation of material movements and switching off machinery when not in use to reduce greenhouse gas emissions.
Waste/Litter	- The waste hierarchy will be employed. - Good housekeeping will be employed during the construction phase. - Waste receptacles will be covered preventing windblow and litter. - Construction staff will be made aware that littering will not be tolerated, they will be encouraged to collect any litter seen in the construction area and if deemed necessary, litter sweeps will be carried out. - The use of single use plastics will be discouraged. - All generated waste will be segregated to facilitate appropriate recycling.

8 Conclusion

Environmental effects giving rise during the construction and operational stages of the development have been considered. Due consideration has been given during the design stage to minimise the impacts on the environment where possible with mitigation measures proposed to further minimise any negative environmental impact.

The Kishorn Port land reclamation and laydown area extension works are required to ensure the port is best placed to provide facilities necessary to support the renewable energy and oil and gas decommissioning sectors.

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10 Glossary

Acronym	Definition
AA	Appropriate Assessment
EIA	Environmental Impact Assessment
EPS	European Protected Species
HRA	Habitats Regulation Assessment
km	kilometres
KPL	Kishorn Port Limited
LSE	Likely Significant Effect
m	metres
NM	Nautical Miles
NMP	National Marine Plan
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPA	Special Protection Areas
SSSI	Sites of Special Scientific Interest
WCA	Wildlife and Countryside Act



Appendix 1: EIA Screening-Support Document



Kishorn Port – Land Reclamation for Laydown Area Extension

EIA Screening - Support Document



Date: 30/03/2020

Document Control

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1 Introduction

Kishorn Port Ltd wish to create a level laydown area between the east quay and dry dock. The proposed laydown area is planned on an area immediately adjacent to the east quay in order to create a link to the dry dock, which will exist at +7.3m Chart Datum (CD). This will include a portion of land reclamation to create an area of approximately 9.52ha in size, of which 8.03ha are below MHWS. The development works had the benefit of an earlier Marine Licence which expired in 2019.

The development will involve works both below Mean High Water Springs (MHWS) and above Mean Low Water Springs (MLWS). Therefore, a Marine Licence will be sought for works below MHWS, under the Marine (Scotland) Act 2010, whilst the works above MLWS are already consented under the Town and Country Planning (Scotland) Act 1997. The works above MLWS are already covered in the existing planning consent (18/05057/S42). A further Section 42 consent was granted in January 2019 to include decommissioning of offshore structures. As such, this is the planning consent under which Kishorn Port now operates.

A formal Screening Opinion is requested from Marine Scotland under regulation 10(1) of the Marine Works (Environmental Impact Assessment (EIA)) (Scotland) Regulations 2017 (EIA Regulations); to determine whether an EIA will be required to support the Marine Licence application for the proposed coastal infill works as part of land reclamation between the east quay and dry dock. As the works above MLWS are already consented by the Highland Council through a previous application, screening under the Town and Country Planning (EIA)(Scotland) Regulations 2017 is not required.

This report provides the information requested under Section 10 of the EIA Regulations, in order to inform the corresponding screening opinion, namely a description of:

- The location of the proposed works;
- The proposed works;
- The environmental sensitivities of the geographical area;
- The aspects of the environment likely to be significantly affected by the proposed works;
- The likely significant effects; and
- The features of the proposed works or proposed measures envisaged to avoid or prevent significant adverse effects on the environment.

2 Background and Need

Initially developed in the 1970's, Kishorn Yard was used to serve as an oil platform construction for the North Sea oil industry. Since then, recent developments have seen the emergence of Kishorn Port as a site to provide essential shipping and transportation services, as well as providing high-quality aggregates as a result of the creation of Kishorn Quarry.

With deep water access, the site is recognised by Scotland's National Renewables Infrastructure Plan (N-RIP & N-RIP2) (Scottish Government, 2015) for its potential to support the offshore energy sector (Dalgleish Associates Ltd, 2013).

As a result, Kishorn Port Limited wish to create a new laydown area through land reclamation on the foreshore between the east quay and dry dock of Kishorn Port. The new laydown area

is intended to enable the possibility of further onshore support facilities for varying industries. The proposal was made initially to help the port build on the facilities already present at the site, by providing additional onshore areas and armour stone protection for coastal works. This was done through a previous marine licence application, in which an Environmental Statement was produced and the construction of the new laydown area was assessed for any potential environmental effects (Dalglish Associates Ltd, 2013).

Since then, the marine licence, ref. 05003/03/0, expired in 2019 so there is a need for a new application for marine construction works to be made to Marine Scotland. Thus, before an application can be made, it is required that the proposal go through screening to indicate whether an EIA is required or not under regulation 10(1) of the 'EIA Regulations' in support of the marine construction licence application. As per the 2013 Environmental Statement (ES), the proposed construction of the laydown at Kishorn Port includes the re-use of material excavated from rock blasting of a terraced area to the west of the Kishorn dry dock. The material will be used in the construction of the laydown area between the east quay and dry dock by the creation of coastal infill. Here the infill area will subsequently reclaim land over the beach area and adjacent shallow coastal waters. The creation of the laydown area will create a link between the dry dock to the flat eastern end of the site, where the east quay is situated. Here, it is envisaged that the additional level land and extended area will be provide a suitable laydown area for large structures, such as concrete batching plants, stockpile and fabrication areas and the ability to facilitate a concrete casting yard.

It should be noted however that the ES produced in 2013, was required for the wider masterplan development at Kishorn, which also included an extension to Kishorn Quarry. This ES was not specifically for the land reclamation works.

3 Location

Kishorn Port (Grid Reference: NG 8174 3991) near the head of Loch Kishorn (Drawing 55/01), lies 8km west of the village of Lochcarron along the A896. Kishorn Port falls within the Community Council boundary of Lochcarron. The Port is shown in (Drawing 55/02).

4 Characteristics of Development

The characteristics of the development are described below. Upon discussions with the client, it has been estimated that the approximate duration for the construction of these works is likely to last around 18 to 24 months.

4.1 Development Description

4.1.1 Minor Modification of Watercourse

Prior to undertaking the coastal infill works, it is required that a minor, but currently much modified watercourse partially in culvert draining the upper sections of the site is diverted. The watercourse which runs via a storage pond, will be diverted from a single point immediately east of the dry dock, and re-routed to Loch Kishorn via a culvert to the edge of the coastal infill area. An existing narrow rock barrier on the eastern side of the dry dock will be removed to provide clear access to allow for the modification of the watercourse.

Drawing 2000-115B indicates the scale of the diversion. The proposed culvert will include the use of a single 1200mm diameter twin wall plastic pipe with access chambers along its length and an outfall structure through the rock armoured slope.

4.1.2 Transportation of Infill Material

The terraced area on the west quay is yet to be removed and will be done so during transportation of material to the coastal infill area. This material at the terraced area arises from the original excavation of the dock and rock excavated from elsewhere within the Kishorn Port area during past operations. This pile creating the terraced area has been crushed and screened in the processing area at Kishorn Port, to produce appropriately sized stone required for the coastal infill area.

The clean, appropriately sized stone will be transported using dump trucks from the processing area to the foreshore area east of the dry dock. The stone will be used to create the outer perimeter bund for the infill area.

4.1.3 Coastal Infill Area

The seaward extent of the reclaimed land will be rock armoured, utilising excavated rock from the terraces to the west of the dry dock and/or from other permitted extraction areas within Kishorn Port. The material will subsequently be placed to form an outer perimeter bund for the infill area. Much of the placement will be undertaken on land between MLWS and MHWS in tidal windows. As noted earlier, works above MLWS are already consented under an existing planning permission (18/05057/S42) granted on 21st January 2019.

As placement is ongoing, the perimeter bund will be built up in compacted layers to provide continued vehicular access at all tidal states. On completion, a heavy-duty geotextile membrane will be secured against the inner slope and the infill will be completed by backfilling with crushed rock to form compacted layers (Drawing 2000-115B).

The length of shoreline rock armour will sit at 724 metres over an area of 11,946m². It is anticipated that primary rock armour stone 1m³ (3 tonnes) and secondary rock armour stone 0.45m³ in size (0.25 tonnes) will be utilised to form the rock armour perimeter bund.

4.1.4 Operation

The additional laydown provided by the land reclamation and recontouring of the terrace area will allow large structures to be stored and worked on, such as wind turbine assemblages, in support of the renewable energy sector. It is envisaged that the extended laydown area will be suitable to support manufacturing and energy services projects such as wind turbine storage and assembly.

4.1.5 Decommissioning

There are no plans to discontinue use of this site in the future, therefore, it is not considered necessary to plan for demolition and reinstatement works for closure of this site.

5 Known Sensitivities

5.1 Biodiversity

5.1.1 Designated Sites

Table 5.1 details the Statutory Nature Conservation Designation Sites of Marine Protected Areas (MPA), Special Scientific Interest (SSSI), Special Protected Area (SPA), Special Area of Conservation (SAC) and Nature Reserve sites within 20km of the proposed development. Of the identified sites, no SPAs or Nature Reserves were found within 20km of the proposed development (Drawing 55/03) and thus, are not considered in Table 5.1. Table 5.1 identifies the sites most likely or unlikely to be affected by the development due to their location and/or associated designated features. Each designated site in Table 5.1 identified within 20km of the proposed development has been commented on whether they may be affected by the proposed development. Those highlighted in grey are considered unlikely to be affected by the proposed works.

Table 5.1: Statutory Nature Conservation Designations within 20km of the Development Site (Marine Scotland, 2020; SNH, 2017)

Site	Designation	Distance Direction	Designated Feature Category/Feature	Requires Consideration?
Beinn Bahn	SSSI	1.19km N	Tall herb ledge, Upland assemblage	Lack of connectivity and thus not considered.
	SAC		Acidic scree, Alpine and subalpine heaths, Dry heaths, Montane acidic grasslands, Plants in crevices on acidic rocks, Tall herb communities, Wet heathland with cross-leaved heath	
Loch Carron	MPA	1.97km WSW	Flame shell beds, Maerl beds	Potential connectivity – considerations made with Water Quality.
Rassal	SSSI	3.25km NE	Bryophyte assemblage, Flies, Lichen assemblage, Limestone pavement, Moine, Subalpine calcareous grassland, Upland assemblage, Upland mixed ash woodland, Wood pasture and parkland	Lack of connectivity and thus not considered.

	SAC		Alpine and subalpine calcareous grasslands, Base-rich fens, Hard-water springs depositing lime, Limestone pavements, Mixed woodland on base-rich soils associated with rocky slopes, Mountain willow scrub, Plants in crevices on base-rich rocks	
Inner Hebrides and the Minches	SAC	3.31km WSW, 16.5km N & 15.2km S	Harbour porpoise (<i>Phocoena phocoena</i>)	Designated species is mobile and hence could be in the vicinity of the works.
Alt nan Carnan	SSSI	7.95km E	Upland birch woodland	This site it too far from the development to be affected.
Coille Mhor	SSSI SAC	8.55km S	Dragonfly assemblage, Oligotrophic loch, Upland oak woodland Western acidic oak woodland	Dragonfly are mobile species but only have a range of up to 1.5km. This site is too far from the development to be affected for other qualifying features.
Doire Damh	SSSI	11.4km NE	Upland oak woodland	This site it too far from the development withno mobile features to be affected.
Loch Maree Complex	SAC	11.4 – 18.7km NE	Acidic scree, Alder woodland on floodplains, Alpine and subalpine heaths, Blanket bog, Bog woodland, Caledonian forest, Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels, Depressions on peat substrates, Dry heaths, Montane acidic grasslands, Plants in crevices on acid and base-rich rocks, Tall herb communities, Western acidic oak woodland, Wet	The mobile feature ^{<Redacted>} could be affected by the development, the other designated features are not mobile and too far from the development to be affected.

			heathland with cross-leaved heath	
Shieldaig Woods	SSSI	11.8km N	Beetles, Bryophyte assemblage, Flies, Native pinewood, Upland birch woodland	This site is too far from the development to be affected.
Lochs Duich, Long and Alsh (Reefs)	SAC	12.3km S 13.7km SE & 13.5km SW	Reefs	There is a degree of hydrological connectivity in the marine environment between the designated site, the Loch Carron MPA and development site. However, the distance is too large between the two areas for any impacts to occur.
	MPA		Burrowed mud, Flame shell beds	
Kinloch and Kyleakin Hills (Monadh Chaol Acainn is Cheann Loch)	SSSI	14.9km SSW	Alpine heath, Blanket bog, Bryophyte assemblage, Lichen assemblage, Subalpine dry heath, Subalpine wet heath, Torridonian, Upland oak woodland	This site is too far from the development to be affected.
	SAC		Alpine and subalpine heaths, Blanket bog, Dry heaths, Mixed woodland on base-rich soils associated with rocky slopes, Otter (<i>Lutra lutra</i>), Western acidic oak woodland, Wet heathland with cross-leaved heath	Although Otters are mobile species, there is no connectivity between this site and the area of development, given its location on the Isle of Skye.

Abhainn Alligin	SSSI	18.4km N	Subalpine dry heath, Tall herb ledge, Upland mixed ash woodland	This site is too far from the development to be affected.
Ob Lusa to Ardnish	SSSI	18.5km SW	Hettangian, Sinemurian, Pliensbachian (Earth Sciences)	This site is too far from the development to be affected.
Torridon Forest	SSSI	18.7km NE	Alpine heath, Alpine moss heath and associated vegetation, Beetles, Mass movement, Quaternary of Scotland, Sawflies, wasps and ants, Siliceous scree, Spiders, Subalpine calcareous grassland, Subalpine dry heath, Vascular plant assemblage	This site is too far from the development to be affected.

5.2 Biodiversity – Terrestrial

An Extended Phase 1 Habitat Survey was updated during site visits in October 2011, November 2012 and March 2013 which were used to inform the Environmental Statement (ES) (Dalgleish Associates Ltd, 2013). The Phase 1 Habitat survey identified a small section of *Erica tetralix* (Cross-leaved heath – identified as a qualifying feature as part of the Beinn Bahn SAC) on the hillside behind the yard facility close to the Russel Burn, although this species is not a designated species for protection under Schedule 8 of the Wildlife and Countryside Act 1981.

Site-specific surveys for European ^{<Redacted>}) were carried out between 2005 to 2013, which identified the presence of ^{<Redacted>} in the wider Kishorn area. The latest survey in 2019 covered all of the area consented under permission 18/05057/S42, identifying considerable ^{<Redacted>} activity on site (Direct Ecology, 2020). ^{<Redacted>} activity was identified particularly on coastal areas in the north west of the site with many resting sites identified.

^{<Redacted>} are a European Protected Species (EPS) and is protected under the Conservation (Natural Habits and Species) Regulations 1994 (as amended) in Scotland. With the results of the surveys and the proximity of the proposed development in relation to the coastal areas where ^{<Redacted>} presence has been identified north west of the site, it would be appropriate to consider them to be a sensitive receptor in this instance.

The same ecological survey also identified evidence of ^{<Redacted>} in three locations, with the identification of three small ^{<Redacted>} in rocky areas. Both ^{<Redacted>} and their ^{<Redacted>} are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011. As ^{<Redacted>} are likely to have high potential of linking cavities creating networks of tunnels to other areas, it would be appropriate to consider them as a sensitive receptor.

5.3 Biodiversity - Ornithology

Bird species were recorded during site visits in October 2011, November 2012 and March 2013. A total of 29 species were identified with 11 of those species on the Birds of Conservation Concern 3 (BoCC3) Amber List and 4 species on the BoCC3 Red List. A total of 123 bird species

have been recorded within a 5km radius of the proposed development (National Biodiversity Network Atlas, 2019b). The area of the proposed development itself, however, is not considered an important site for breeding bird species. None of the Statutory Nature Conservation Designations within 20km of the Development Site are designated for the qualifying features being bird species, breeding or non-breeding. As such ornithology is not considered to be a sensitive receptor associated with this site.

5.4 Biodiversity – Marine

Important benthic, fish and marine mammal receptors are all present within and close to Kishorn Port and the development area. Designations are in place for two of the three groups of marine receptors within 20km of the development.

5.4.1 Marine Mammals

The waters around Kishorn Port are utilised by numerous marine mammal species, including both cetaceans and seals. Marine mammals are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The Inner Hebrides and The Minches Special Area of Conservation (SAC), designated for harbour porpoise (*Phocoena phocoena*), is located at its closest point 3.3km west south-westerly of the proposed development. It is noted that harbour porpoise are afforded protection when they are outwith the SAC, and they are known to swim into Loch Carron and Loch Kishorn. A number of records show that harbour porpoise are often present within eastern points of Loch Carron (Hebridean Whale and Dolphin Trust, 2020), although most records are concentrated in the outer basin towards the mouth of the loch.

Overall, five species of marine mammal are regularly encountered in the area (Reid, Evans, & Northridge, 2003; Sea Mammal Research Unit, 2019), although as marine mammals are mobile features, it is possible for more species to utilise the area less frequently. Non-breeding populations of grey (*Halichorurus grypus*) or common seals (*Phoca vitulina*) are present. Marine mammals, particularly harbour porpoise, are a known sensitivity in the area.

5.4.2 Benthic Ecology

The Loch Carron MPA and the Lochs Duich, Long and Alsh MPA are designated for benthic features. The Loch Carron MPA is designated for its high density of flame shell and maerl beds, whilst the Lochs Duich, Long and Alsh MPA are designated for flame shell beds and burrowed muds. Each of these features are not mobile. In May 2017, Loch Carron was designated as an MPA on an urgent basis in order to aid the recovery of flame shell beds, signifying their sensitivity to disruption (Scottish Natural Heritage, 2019). The same environments also provide an important habitat for a myriad of other animals and plants, such as seaweeds, whelks, starfish, brittlestars and crabs (Scottish Natural Heritage, 2019).

Between the dry dock and the east quay, the majority of the foreshore area consists of a gently shelving beach with a small zone of pebbled-rocky coastline (Dalgleish Associates Ltd, 2013). This habitat is common around Loch Kishorn and supports a number of seaweed species such as bladder wrack, spiral wrack and serrated wrack. None of these identified species are identified as Priority Marine Features (PMFs) (Tyler-Walters et al., 2016), nor are protected under Schedule 8 of the Wildlife and Countryside Act 1981.

5.4.3 Fish Ecology

A total of 53 fish species have been recorded within a 10km radius of the proposed development (National Biodiversity Network Atlas, 2019a), although no designated sites exist in the immediate area for them. Of these records, it was identified that Atlantic Salmon (*Salmo salar*) were present in Loch Kishorn and the surrounding area. Data on NMPi identified that the River Kishorn, which meets the most northerly point of Loch Kishorn, is a river which is likely to have salmon present, and the link between the two systems may demonstrate a migratory pathway from sea to freshwater, living in freshwater as juveniles then migrate to sea as post-smolts following spawning, where they mature (Godfrey, Stewart, Middlemas, & Armstrong, 2014).

Loch Kishorn, Loch Carron and the wider marine area also provide valuable spawning grounds for Whiting, nursery grounds for Saithe, Herring and Cod, as well as spawning and nursery grounds for Sprat and Nephrop species.

5.4.4 Aquaculture

Approximately 700 metres east of the coastal infill area, in North West Loch Kishorn, is a mussel site of commercial interest (SEPA, 2011). Similarly, 1.5km south east of the coastal infill area (OS Grid Ref: NG 834 391) lies a Pacific and native oyster farm. Loch Kishorn is also designated as a Shellfish Harvesting Area (Loch Kishorn North) by the Food Standards Agency (FSA) for the production of Common mussels (*Mytilus edulis*) and Pacific oysters (*Crassostrea gigas*).

5.5 Archaeology

No designated sites for archaeology are identified in the development area and no nationally important assets are present.

Within a 2km radius of the proposed development site, there are 2 Canmore maritime and 17 Canmore entries (Historic Environment Scotland, 2020). No wrecks are identified within the footprint of the development nor close to the foreshore where land will be reclaimed.

A total of 30 Historic Environment Records and a single listed building have been identified within 2km of the site. Five of the Historic Environment Records have been identified to the north of the coastal infill area on the periphery of the east quay and eastern foreshore of Kishorn Port. The single listed building and remaining number of Historic Environment Records are on the opposite side of Loch Kishorn to the development.

The Historic Environment Records on the periphery of the east quay and foreshore are detailed in Table 5.2.

Table 5.2: Details of Historic Environment Records on the periphery of Kishorn Port.

Site/Description	Index No. Primary Reference	Designation/Status	Location (OS NGR)
Russel (Dyke), Kishorn Section of drystone dyke. Aligned NW-SE and running down the scree slope from the rockface to the perimeter fence, the tumbled remains of a stone dyke.	MHG 31527	Historic Environment Record	NG 81672 39937
Russel (Rockshelter 2), Kishorn	MHG 37296	Historic Environment Record	NG 81486 39866
Russel (Rockshelter 1), Kishorn	MHG 37295	Historic Environment Record	NG 81704 40013

Site/Description	Index No. Primary Reference	Designation/Status	Location (OS NGR)
Russel (Enclosure), Kishorn Two enclosures making use of the rockface and boulders to form part of the walls: 1. A well-preserved section of walling 3m long and 1.2m high connects a large boulder to the rockface. Parallel to this and 2m to the S, the low remains of another section of walling connect this boulder to a tumble of boulders which form the western boundary of the enclosure. 2. 10m W along the rockface, a second enclosure measuring 12m by 4m. The southern front section of wall is very tumbled but the side sections curving in to key into the rockface are well preserved and stand 1m high.	MHG 29799	Historic Environment Record	NG 81783 40000
Russel (Township), Kishorn A township comprising seven roofed buildings, one partially roofed building, four unroofed buildings and five enclosures is depicted on the first edition of the OS 6-inch map (Ross-shire 1880, sheet cx). Four roofed buildings, three unroofed buildings and five enclosures are shown on the current edition of the OS 1:10000 map (1971).	MHG 22499	Historic Environment Record	NG 82092 40370

5.6 Landscape

Kishorn Port lies within the southern part of the Wester Ross National Scenic Area (NSA). The Wester Ross NSA is designated in part for having some of the finest mountain scenery in Scotland and for embracing a diversity of landscapes from myriad lochs to intricate coastlines. As the development only affects a small area of foreshore, the works will ultimately be low-lying and will not compromise the integrity of the NSA.

5.7 Land, Air and Water

5.7.1 Land

A Phase 1 Contaminated Land Assessment was conducted as part of an Environmental Statement for previous construction activities at Kishorn Port. No contaminated land was identified as part of the assessment. Since the assessment was completed there have been no pollution incidents which may have given rise to contaminated land (Dalgleish Associates Ltd, 2013).

The Geology of Britain Map by the British Geological Society (BGS) identifies that the underlying geology of the site consists of Applecross Formation Sandstone (which is pebbly/gravelly in nature) (British Geological Survey, 2020). This formation of sandstone are

fluvial in origin and reflect levees of rivers or estuaries overlaying Lewisian Gneiss (British Geological Survey, 1955, 2020).

Designated sites with geological qualifying features are identified within 20km of the proposed site for development and are outlined in Table 5.3. All designations are for Moine, with the closest 6.98km away. Despite designated sites existing for Moine close to the development area, no Moine has been discovered (British Geological Survey, 1955; Strachan, Smith, Harris, & Fettes, 2002).

Table 5.3: Statutory Nature Conservation Designations with Geological Designations within 20km of the Development Site (Marine Scotland, 2019; SNH, 2020)

Site	Designation	Distance Direction	Designated Category/Feature	Requires Consideration?
Carn a' Bhealach Mhoir	SSSI	6.98km S	Moine	No- Moine is recorded at the site of development and will not be impacted during construction. This site is too far from the development to be affected.
Slumbay Island	SSSI	7.86km E		
Attadale	SSSI	10.1km ESE		
Ard Hill	SSSI	12.8km S		
Avernish	SSSI	13.2km S		

Kishorn Quarry is also adjacent to the east quay, on the other side of the dry dock to where coastal infill works are to occur. The quarry itself consists of hard sandstone which is appropriate for engineering and for use in high quality concrete structures (Dalgleish Associates Ltd, 2013). Likewise, the material for coastal infill will be derived from the previously landscaped terrace area and/or other locations with Kishorn Port. The terraced area was created utilising rock excavated for the formation of the dry dock which also consists of Applecross Sandstone (British Geological Survey, 1955, 2020).

The intertidal area is underlain by the same Applecross Formation sandstone as the quarry and other parts of Kishorn Port. The intertidal area is covered by Marine beach deposits of sand and gravel.

5.7.2 Air

Kishorn Port is not currently in an air quality management zone. As Kishorn Port is located in a remote, rural location the air quality is expected to be of good condition with little pollution in comparison to urban areas. The 2019 Highland Council Air Quality Report states that The Highland Council area has generally good air quality conditions.

5.7.3 Water

The proposed development at Kishorn will be located on the lower section of the slopes of Sgurr a'Chorachain, Maell Gorm and Beinn Bhan. Natural runoff from these slopes would have drained through the site area, generally towards the south-east. Water will pass over or through glacial moraine and superficial deposits, beach deposits in the coastal area and into Loch Kishorn (Dalgleish Associates Ltd, 2013). Surface water also drains into one of the main

watercourses in the area, the Russel Burn to the east of the site. SEPA's River Basin Management Plan classifies the Russel Burn (sea to Russel) as 'Moderate' and the Russel Burn (Russel to source) as 'Good' (SEPA, 2015).

Another moderately sized catchment (Allt Cnocnan Uan) has been culverted a number of times prior to its discharge into the sea immediately to east of the dry dock. This much modified watercourse which drains the upper part of Kishorn Port will be diverted from a point immediately east of the dry dock and re-routed to Loch Kishorn via a culvert to the edge of the coastal infill area.

Loch Kishorn is classified as 'Good' under SEPA's River Basin Management Plan (SEPA, 2015), where water depths can reach up to -80m CD in the main channel. It is envisaged that the proposed development will ascertain depths of +/- 0m CD (where MLWS is +0.6m CD).

5.8 People

The nearest residential property is at Ardarroch, 2.1km away from the proposed development, directly across from the head of Loch Kishorn in an easterly direction. By road, Ardarroch is 6.1km away from the proposed development along the A896. Ardarroch itself is a small hamlet with few properties, although the area does offer a small number of businesses including a bunkhouse and a restaurant. The development will not be visible from this location.

In a south easterly direction, 2.5km away across the head of Loch Kishorn is the small crofting township of Achintraid, which again offers a small number of guesthouses and holiday cottages. The site for the development will be visible from Achintraid.

The largest residential area, the village of Lochcarron lies approximately 8km east of the proposed development and has a population of 893 people as per the 2011 census (National Records of Scotland, 2011).

Although demographics and employment could not be found for each individual village within close proximity of Kishorn Port, namely Lochcarron, it was identified that the Lochcarron Community Council area was within the top 5% of council area in the Highlands with a population predominantly 54 years old or over (National Records of Scotland, 2019).

Lochcarron contains a variety of local services including a small supermarket, a Highland Council service point, two hotels, a restaurant and two cafés (LaDBA, 2016). The development site is not visible from Lochcarron.

The area of development is 92 miles from Fort William and 68 miles from Inverness, which are the next closest major town and city.

5.9 Traffic, Transport and Navigation

Road access to and from Kishorn Port is gained from the unclassified Applecross – Tornapress road. Vehicles travel north and east on the unclassified road from the port for 1.4km to the junction with the A896 at Tornapress (Dalgleish Associates Ltd, 2013). Thereafter, vehicles can travel east to Lochcarron or north to Shieldaig along the A896. This main road to and from Kishorn Port is mainly single track with various passing places, although sections of this road have now been upgraded between Tornapress and Lochcarron.

Data utilised from CrashMap has been used in considering safety on the A896 – the main passage to Kishorn Port, and identified that 3 serious accidents have occurred since 2014 (CrashMap, 2017). These accidents did not involve HGV's. No fatal accidents occurred.

The annual average daily flow (AADF) for the A896 is summarise in Table 5.4. The AADF describes all vehicle movements (including pedal bicycles) for the years 2014 –2018. Data was retrieved from the Department of Transport's 'road traffic statistics'.

Table 5.4: The Annual Average Two-Way Daily Flow (AADF) of traffic for 5 years for the A896

Year	The AADF for all vehicles along the A896
2018	776
2017	771
2016	762
2015	742
2014	725

6 Potential Effects

6.1 Construction

Table 6.1 provides a description of the environmental aspects requiring consideration resulting from the proposed Kishorn Port land reclamation. The likely effects on the environment resulting from the use of natural resources and the expected residues and emissions are identified. Additionally, it outlines the sensitivities as detailed in Section 4 and proposes mitigation measures for any effects that could have a potential impact on the environment.

Table 6.1: Construction Effects and Sensitivities

Aspect		Source	Sensitivities	Potential Significant Effect (no mitigation)	Any mitigation measures?
Use of Natural Resources	Use of Material	Heavy duty geotextile membrane	None	NO	Efficient use of resources, only order and use what is required.
	Use of Land and/or Soil	Crushed rock and infill material from rock blast	None	NO	The volumes of removed material will be minimised through design.
	Biodiversity / Hard-Landscaping	Reclamation of land over foreshore area	Terrestrial – Otters	NO	Pre-construction otter survey with mitigation/licensing where required.
Residues and Emissions	In-Air Noise and Vibration	Rock placement Plant movements	None - sensitive noise receptors including residential properties are too far from the development to experience elevated noise levels.	NO	Works conducted in line with current practice for noise and vibration control on construction and open sites.
	Underwater Noise and Vibration	Plant movements Rock infill / Material placement	Biodiversity – Marine Mammals and Fish (incl. Harbour Porpoise the qualifying features of the Inner Hebrides and the Minches SAC)	NO – most of the work is expected to be out of the water or in very shallow areas below MLWS, hence sound is not expected to travel	Rock infill will not be dropped from height by the excavator. All plant vehicles used will be well maintained.

				through water column.	
	Air Quality (Emissions – dust)	Rock placement Rock infill / Material placement Plant movements	None - sensitive dust receptors including residential properties are too far from the development to experience elevated noise levels.	NO	Dust management in line with good construction practice.
	Air Quality (Greenhouse Gases and Climate Change)	Plant movements	No Local Sensitivities Possible Climate Change Contribution	NO	Plant vehicles will be well maintained.
	Terrestrial Pollution	Risk of unplanned emissions / release of pollutants from, i.e. - Waste material - Oil/fuel storage and handling - Plant/machinery fault	Land Quality Biodiversity – Terrestrial	NO	Works conducted in line with standard best practice and existing guidelines: - Storage and handling; - Waste management; - Surface water management; and - Spill plans and spill kits will be implemented. Plant and machinery will be appropriately maintained. The Port has an MCA approved Oil Spill Contingency Plan.
	Water Quality (Marine and Freshwater)	Risk of unplanned emissions / release of pollutants from, i.e. - Waste material - Oil/fuel storage and handling - Plant/machinery fault Release of fines and disturbed sediments due to rock placement. Diversion of watercourse.	Biodiversity – Marine (incl. Loch Carron MPA; Inner Hebrides and the Minches SAC)	NO	Works conducted in line with standard best practice and existing guidelines: - Storage and handling; - Waste management; and - Spill plans and spill kits will be implemented. Works associated with the diversion of the modified watercourse will

	Light Emissions	Light for construction	Biodiversity – Terrestrial Biodiversity – Marine	NO	Workswill follow the Scottish Executive Guidance Note, 'Controlling Light Pollution and Reducing Lighting Energy Consumption'; • Over-lighting will be avoided and designed to industry recommended levels; and • All lights will be carefully directed to where they are most needed and will be designed to minimise light pollution Workswill also follow British Standard Guidance.
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6.1.1 Water Quality (Freshwater)

Freshwater systems and their associated species may be impacted by pollution indices as a result of unexpected releases and emissions, typically as a result of the loss of hydraulic fluids and/or oils from plant and machinery. However, the effects of the release of unplanned emissions and pollutants are well understood which allows appropriate mitigation to be put in place to prevent and minimise these effects. It is recognised that the potential for these effects to occur are only restricted to the construction phase.

Section 7 identifies specific policies and guidance which will be followed in order to ensure correct mitigation and best practicable environmental option(s) (BPEO) are undertaken.

Additionally, pre-construction surveys will be conducted to identify other hots, layups or couches, to allow appropriate mitigation and licences to be put in place prior to construction.

6.1.2 Water Quality (Marine)

The marine waters around Kishorn Port and the marine flora and fauna that use these waters have the potential to be impacted during the construction of the laydown area. Impacts may arise as a result of underwater noise from placing rock infill, the unplanned release of emissions and construction light. The potential impacts on marine receptors due to varying pollution indices as a result of unexpected releases and emissions, most typically as a result of the loss of hydraulic fluids and/or oils from plant/vessel machinery, are well understood which allows appropriate mitigation to be put in place to minimise these effects. It is recognised that the potential for these effects to occur are only restricted to the construction phase.

Likewise, the use of heavy machinery for construction can give rise to underwater noise emissions and potentially vibration effects. However, extremely limited time working in water will not give rise to any issues with underwater noise.

Section 7 identifies specific policies and guidance which will be followed in order to ensure correct mitigation and best practicable environmental option(s) (BPEO) are undertaken.

6.2 Operations

Table 6.2 provides a description of the environmental aspects requiring to be considered during operations following the completion of the proposed development.

As the project is a redevelopment of the existing port, emissions during operation are not expected to constitute a significant change from the baseline conditions. Table 6.2 therefore only discusses the operational effects associated with the increased commercial capacity of the port.

Table 6.2: Operational Effects and Sensitivities

Aspect		Source	Sensitivities	Potential Effect (no mitigation)	Any mitigation measures?
Residues and Emissions	In-Air Noise and Vibration	Slight increase in noise may result from increased operational uses of the port	People Biodiversity - Land	NO – sensitive noise receptors including residential properties are too far from the development to experience elevated noise levels.	No mitigation required
	Underwater Noise and Vibration	Potential slight increase due to greater use of site from increased vessel numbers.	Biodiversity – Marine	NO	No mitigation required
	Terrestrial Pollution	None	Land Quality	NO	No mitigation required
	Water Quality (Marine and Freshwater)	Risk of unplanned emissions / release of pollutants from, i.e. - Waste material - Oil/fuel storage and handling - Plant/machinery fault	Biodiversity – Marine	YES	Works conducted in line with standard best practice and existing guidelines: - Storage and handling; - Waste management
	Light Emissions	Vessel lighting Port lighting	Biodiversity – Land Biodiversity - Marine	NO -	Standard best practise in line with existing guidelines on lighting
Landscape and Visual	Reclaimed land between East Quay and Dry Dock	Coastal infill Rock armour stone perimeter bund	People Wester Ross National Scenic Area	NO – the scale of the works is too small within the wider area	No mitigation required
Traffic, Transport and Access	Operational HGV movements	Port Activities	NO – sensitive receptors including residential properties are too far from the development to	NO	No mitigation required.

			experience elevated noise levels. Likewise, the area is extremely rural to experience any significant traffic, access or congestion issues.		
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6.2.1 Air Quality

As the project is an upgrade to the existing port, emissions during operation are not expected to constitute a significant change from current conditions. However, there may be one potentially positive effect resulting from the development. As components which will be utilised for the construction of industrial buildings will be brought in on shipping vessels, there will be a reduction in the number of vehicles in which it would require to transport the same materials. This may reduce greenhouse gas emissions.

6.2.2 Biodiversity – Marine

The marine waters around Kishorn Port and the marine flora and fauna that use these waters have the potential to be impacted during operations, primarily through emissions to the marine environment and the increase in operational lights required for the larger area. These impacts will be reduced through aligning practices with the guidelines outlined in Section 7.

7 Mitigation

Mitigation identified to avoid significant negative effects along with general mitigation measures to minimise other environmental effects are detailed within this section. These will form the basis of the mitigation which will be submitted in support of planning and marine licence applications. In addition to the specific mitigation identified to manage effects that could be significant in the absence of mitigation, construction guidance will be followed to minimise other potential negative effects of the projects, this is likely to include:

- Guidance on the Assessment of Dust from Demolition and Construction (IAQM, 2014);
- Pollution Prevention Guidance 6 (PPG6) – for Working at Construction and Demolition Sites (Environmental Agency et al, 2012);
- Coastal and Marine Environmental Site Guide: C584 (Budd, John, Simm, & Wilkinson, 2003);
- Guidance for Pollution Prevention 8 (GPP8) – Safe storage and disposal of used oils (SEPA, Natural Resources Wales, & NIEA, 2017);
- Pollution Prevention Guidance 7 (PPG7) – The safe operation of refuelling facilities (Environment and Heritage Service, SEPA, & Environment Agency, 2011); and
- Guidance for Pollution Prevention 5 (GPP5) – Works and maintenance in or near water (NIEA, 2017).

In addition, any applicable General Binding Rules from the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended will be applied.

8 Summary

The Kishorn Port land reclamation and laydown area extension works are required to ensure the port is best placed to provide facilities necessary to support the renewable energy and oil and gas decommissioning sectors. This development, seen as supporting the Scottish Government's N-RIPd N-RIP2, requires the minor modification of a watercourse and the internal sourcing and transportation of infill material for land reclamation. These activities require the use of natural resources and could result in emissions which, without mitigation, may affect sensitive receptors in the areas including marine and terrestrial biodiversity receptors.

The project falls under the Marine Act (Scotland) 2010 and the Town and Country Planning (Scotland) Act 1997. A screening opinion is sought from Marine Scotland under the Marine Works (EIA)(Scotland) Regulations 2017 only as planning permission has already been granted.

During construction, potential significant negative effects were identified if no mitigation was in place. However, mitigation has been identified for all of these aspects which reduce or eliminate the resultant effects such that they are not likely to be significant.

Kishorn Port put in place a comprehensive construction environmental management plan (CEMP) to ensure appropriate mitigation is implemented.

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10 Glossary

Acronym	Definition
BPEO	Best Practicable Environmental Option
EIA	Environmental Impact Assessment
ES	Environmental Statement
EPS	European Protected Species
MHWS	Mean High Water Spring
MLWS	Mean Low Water Spring
MPA	Marine Protected Areas
NSA	National Scenic Areas
PMFs	Priority Marine Features
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPA	Special Protection Areas
SSSI	Sites of Special Scientific Interest



Appendix 2: EIA Screening Response

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Jack Clarkson
Affric Limited
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Farr
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Date: 25 June 2020

Dear Mr Clarkson,

**SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL
IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

Thank you for your screening opinion request dated 26 February 2020, further information dated 30 March 2020 and subsequent supporting correspondence in regards to the proposed extension to a laydown area, including land reclamation works, at Kishorn Port ("the Proposed Works").

The Proposed Works are part of the larger regeneration of Kishorn Yard project ("the Regeneration Project") which was previously subject to a mandatory Environmental Impact Assessment ("EIA") in relation to both the terrestrial and marine works in 2013 as an Annex 1 paragraph 8(b) project (now referred to as a schedule 1 project) under The Marine Works (Environmental Impact Assessment) Regulations 2007. A marine licence was previously granted in 2013 for the marine aspects of the Regeneration Project, which included the Proposed Works (the 2013 Licence). The Proposed Works have not yet been undertaken and the 2013 Licence has now expired.

It is the Scottish Ministers' understanding that there is existing planning permission for the terrestrial aspects of the Regeneration Project which was most recently varied in January 2019 without the requirement for a further EIA.

The Scottish Ministers consider the Proposed Works to fall under paragraph 14 of schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (the 2017 MW Regulations), being a change or extension to a schedule 1 project, with the Proposed Works being located in a sensitive area. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an EIA project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with the relevant local planning authority The Highland Council, Scottish Natural Heritage ("SNH"), the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as to their view on whether the Proposed

Works are an EIA project. Copies of the consultation responses received are enclosed for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

Characteristics of works

The Proposed Works involve the reclamation of approximately 83,244 square metres (m²) of land. This area will be formed through the construction of a rock armour perimeter bund utilising previously excavated rock from within Kishorn Port, with the primary rock stone anticipated to be 1 cubic metre (m³) (3 tonnes) and the secondary rock armour to be 0.45m³ (0.25 tonnes) in size. Much of the placement of the rock armour will be undertaken between Mean Low Water Springs and Mean High Water Springs during tidal windows. Once the perimeter bund has been completed a heavy-duty geotextile membrane will be secured against the inner slope and the area will then be infilled, again utilising rock from within Kishorn Port. The rock armour bund will extend to 724 metres in length and over an area of 11,946m².

Prior to the coastal infill works a minor watercourse will be diverted from a single point immediately east of the existing dry dock and re-routed to Loch Kishorn via a culvert to the edge of the infill area. The culvert will include an outfall structure through the newly constructed rock armour slope.

The area of intertidal habitat being removed supports a number of seaweed species but the habitat is common around Loch Kishorn and none of the species identified are Priority Marine Features ("PMF"). During construction there is a risk of unplanned emissions or pollutants being released into the water column from waste material, oil/fuel storage and handling, plant/machinery faults or release of fines and disturbed sediments due to rock placement and the diversion of the watercourse.

SEPA provided general guidance in regards to pollution prevention. Providing that good working practices are followed during the construction of the Proposed Works, SEPA advised that, with respect to its interests, the Proposed Works are unlikely to have a significant effect on the environment and therefore it does not consider an EIA to be required.

Location of the works

The Proposed Works lie with the southern part of the Wester Ross National Scenic Area. The Highland Council advised that the Proposed Works have the potential to have a significant impact on the environment on this basis. SNH have however advised that it does not consider that the Proposed Works will result in significant environmental impact on natural heritage interests. The Scottish Ministers are content that the Proposed Works will ultimately be low lying and therefore agree with SNH that the Proposed Works will not significantly impact the National Scenic Area.

The Proposed Works are located within 2 kilometres of the Loch Carron Marine Protected Area (MPA) designated for its flame shell beds and maerl beds. The Proposed Works could have a potential adverse effect on these qualifying features of the Loch Carron MPA through impact on the water quality during construction. To mitigate for the potential impact on water quality it is intended that the Proposed Works are conducted in line with standard best practice and existing guidelines including storage and handling, waste management and spill plans and spill kits.

The Proposed Works are also located in proximity to the Inner Hebrides and Minches Special Area of Conservation (SAC). The Proposed Works could potentially adversely affect the harbour porpoise qualifying interest of the Inner Hebrides and Minches SAC through disturbance during construction however only a small proportion of the Proposed Works will take place in water thereby minimising the impact of underwater noise. To mitigate against potential disturbance to harbour porpoise, it is intended that rock infill will not be dropped from height.

Previous site specific ^{<Redacted>} surveys in the wider Kishorn area have been carried out, including most recently in 2019, which covered all of the terrestrial area of the Regeneration Project and highlighted ^{<Redacted>} activity in the coastal areas of the site. SNH advised however that pre-construction surveys to inform mitigation or licensing requirements should ensure there are no significant environmental impacts on these European Protected Species.

SNH also advised that since the Proposed Works will be restricted to the coastal shelf and undertaken from land they should not affect PMF burrowed muds or the tall sea pen which occur in water depth of below 20m and 30m respectfully.

HES advised that they had not identified any potentially significant impacts on its historic environment interests and it did not consider an EIA to be required for the Proposed Works. HES recommended that, as previously identified for the Regeneration Project, appropriate recording and mitigation measures are put in place for any archaeological discoveries.

Characteristics of the potential impact

The Highland Council advised that the Proposed Works may have a cumulative impact with previously approved works, specifically the terrestrial aspects of the Regeneration Project for which planning permission was granted in 2013. The Scottish Ministers note however that the Proposed Works overlap considerably with, and do not differ from, those already consented by The Highland Council. This regulatory overlap will therefore not result in a cumulative impact. In respect of the remaining area of the Proposed Works which are solely marine licensable, the Scottish Ministers are content that these are of a scale which will not have a cumulative significant impact on the environment.

SNH advised that given the location and nature of the Proposed Works together with the proposed mitigation measures there should be no significant direct or indirect environmental impacts on the features for which the Loch Carron MPA and Inner Hebrides and Minches SAC have been designated. SNH further advised that considering the information supplied in support of the Proposed Works, it did not consider that these would result in a significant environmental impact on its natural heritage interests and therefore does not consider an EIA is required.

The Scottish Ministers are content that the embedded mitigation of the Proposed Works is sufficient to ensure no significant impacts on the environment.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Highland Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Fiona Munro
Licensing Operations Team Marine Scotland

Appendix I



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email: naomi.gibson@gov.scot

Ms Naomi Gibson
Marine Licensing - Casework Officer
Marine Scotland (Aberdeen Office)

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Edinburgh
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HMConsultations@hes.scot

Our case ID: 300044258

08 April 2020

Dear Ms Gibson

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
Land Reclamation for Laydown Area Extension, Kishorn Port – Request for a Screening
Opinion**

Thank you for your consultation which we received on 31 March 2020 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

Our Screening opinion

We welcome the detail provided in the screening report, including the identification of historic environment receptors in the area.

We have not identified any potentially significant impacts on our interests as identified above. We therefore have not identified a need for Environmental Impact Assessment in this instance.

We recommend that appropriate recording and mitigation measures are put in place for any archaeological discoveries, as were identified in the 2013 application and Environmental Statement.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Yours sincerely

Historic Environment Scotland

Historic Environment Scotland –Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdair air fad airson Alba air fad

Naomi Gibson
Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy
Scottish Government Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

8 April 2020

Our Ref: NAT/SUS/REN/NRIP/Kishorn (A3204103)
Your Ref: SCRE/KISHORN

Dear Naomi

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations") CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

**Kishorn Port Limited (per Affric) - Land Reclamation for Laydown Area
Extension, Kishorn Port
Loch Carron Marine Protected Area (MPA)
Inner Herbrides and the Minch Special Area of Conservation (SAC)
Wester Ross National Scenic Area (NSA)**

Thank you for your consultation dated 31 March 2020 seeking a screening opinion on this proposal.

Summary

Having considered the information supplied in support of this application we consider that the proposal as described will not result in a significant environmental impact on those natural heritage interests on which we advise.

Background

The proposal is for land reclamation for a lay down area between the east quay and the dry dock at Kishorn Port.

This activity was granted under a previous Marine Scotland licence (licence number 05003/03/0 that expired in May 2019).

Appraisal of the proposal and advice

The information supplied in support of this proposal recognises the proximity of both the Loch Carron MPA and Inner Herbrides and the Minch SAC. We agree that given the nature and location of the proposed works and the mitigation measures set out in

**Scottish Natural Heritage, South Highland, Anancaun Field Station, Kinlochewe by Achnasheen,
Ross-shire IV22 2PA Tel: 01445 760254 Fax: 01445 760301 Website: www.snh.org.uk**

**Dualchas Nàdair na h-ALBA, Ath nan Ceann, Ceann Loch Iubh, Achadh na Sine, Siorrachd Rois, IV22 2PA
Fo ☐ ☐ n 01445 760254 Facs 01445 760301 Website www.snh.org.uk**



INVESTOR IN PEOPLE

Table 6.1 and 6.1 there should be no significant direct or indirect environmental impacts on the features for which these sites have been designated.

The information supplied in support of this proposal highlights that the last survey for <Redacted> carried out in 2019, highlighted activity in coastal areas. It recommends that pre construction surveys are undertaken and information used to inform any necessary mitigation or licensing requirements. Such an approach should ensure there is no significant environmental impacts on these species.

The proposed coastal infill will be restricted to the coastal shelf and be undertaken from the land. It should not therefore affect Priority Marine Features (PMF's) burrowed muds, which occur within the deeper waters below 20m, or the tall sea pen *Funiculina quadrangularis* which occurs below 30m either directly or indirectly.
I hope this response is helpful to you.

Yours sincerely

Mary Gibson
Operations Officer
South Highland

cc Susan Haslam SEPA

Gibson N (Naomi)

From: Mary Gibson <Mary.Gibson@nature.scot>
Sent: 20 April 2020 09:08
To: Gibson N (Naomi)
Subject: RE: Kishorn Port Limited (per Affric) - Land Reclamation for Laydown Area Extension, Kishorn Port

Thanks for this.

My apologies.

Our response should have stated that having considered the information supplied in support of this application we consider that the proposal as described will not result in a significant environmental impact on those natural heritage interests on which we advise and therefore works are not considered an EIA project.

Mary

Mary Gibson| Operations Officer, South Highland

Scottish Natural Heritage| Anancaun| Kinlochewe| Achnasheen| Ross-shire| IV22 2PA| t: 01463 701655 m<Redacted>

Dualchas Nàdair na h-Alba |Ath nan Ceann |Ceann Loch Iubh | Achadh na Sine | Siorrachd Rois | IV2 2PA

[nature.scot](#) – Connecting People and Nature in Scotland – [@nature_scot](#)

All SNH email addresses have now changed to @nature.scot Mine is: mary.gibson@nature.scot

Please update your contacts.

Please note I work Tuesday Wednesday and Thursday only

Our ref: ~~PC9783~~
Your ref: NONE

Naomi Gibson
Marine Scotland
Aberdeen

If telephoning ask for:
Susan Haslam

By email only to: Naomi.Gibson@gov.scot

9 April 2020

Dear Ms Gibson

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Land Reclamation for Laydown Area Extension, Kishorn Port
Kishorn Port**

Thank you for consulting SEPA on the screening opinion for the above development proposal by way of your email which we received on 31 March 2020.

We consider that, with respect to our interests, Environmental Impact Assessment is not required for the above proposal. However as you know, since the original application was determined we have revised that approach we take to providing advice on impacts on the marine environment as we consider that Marine Scotland itself is generally well placed to provide the expertise needed to determine if the proposals are environmentally acceptable.

In line with Table 1 of our [SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#) we need not be consulted on the subsequent application. To be helpful a copy of our previous response is attached however we can confirm that we would now defer to you on pollution prevention and environmental management so do not seek a condition in relation to this.

Should you wish to discuss this letter please do not hesitate to contact me via planning.dingwall@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

ECopy to: Mary.Gibson@SNH.gov.uk
Enclosed: Copy of original response

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time.

Our ref: PCS/127501
Your ref: FKB/A1428

Cate Green
Marine Scotland
Aberdeen

If telephoning ask for:
Susan Haslam

31 July 2013

By email only to: Cate.Green@scotland.gsi.gov.uk

Dear Ms Green

**Marine (Scotland) Act 2010
The Marine Works (Environmental Impact Assessment) Regulations 2007
Kishorn Port Ltd: Regeneration of Kishorn Yard, Loch Kishorn
Kishorn, Wester Ross**

Thank you for your consultation emails which SEPA received on 27 June and 4 July 2013.

Advice for Marine Scotland

We ask that the **condition** in Section 2 be attached to the consent. If it will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

1. Impacts on the marine environment, including coastal processes

- 1.1 In the Scotland River Basin Management Plan the Loch Kishorn water body is currently classified as having an overall classification of High Ecological Status. The current ecological status of this water body therefore meets the requirements of the Water Framework Directive and it should be ensured that no deterioration in ecological status occurs in the future.
- 1.2 A simple risk based screening tool, based on environmental standards which define permissible levels of impacts on a system, has been developed to guide the River Basin Management Plan process. Our preliminary assessment, based on existing morphological pressures in the water bodies and the proposed development footprint of approximately 9 ha, suggest that the water body will not be at risk of deteriorating as a result of this development. It should be recognised however that the loss of intertidal and subtidal habitat, in addition to that lost in the past, will result in the hydromorphological status classification moving towards the high/good boundary for this water body.

2. Pollution prevention and environmental management

- 2.1 We welcome the environmental mitigation measures outlined in the Environmental Statement and the production of a draft Construction Method Statement and Construction Environmental Management Plan. The principles outlined within these documents are generally acceptable to us

- 2.2 We ask that the production of a finalised detailed and site-specific Construction Environmental Management Plan be ensured by **condition**, to be agreed with Marine Scotland, in consultation with SEPA. Generally the finalised CEMP should be based on the framework CEMP submitted and address the pollution prevention and management issued outlined on our website at www.sepa.org.uk/planning/construction_and_pollution.aspx. We have provided further advice to the developer on this in section 4 below.

3. Potential overlap in regulation

- 3.1 Depending on how the works are carried out it would seem that the new culvert under the main reclamation area could be authorised under a Marine Licence or via the Water Environment (Controlled Activities) (Scotland) Regulations (CAR), or possibly both. We would welcome your views on this so that we could advise the developer accordingly. Generally, SEPA would regulate any engineering works in inland surface waters, which the top end of the new culvert seems likely to fall into.

Detailed advice for the applicant

4. Environmental management plan

- 4.1 Please note that we have requested that a condition is attached to the licence requiring the submission of a finalised Construction Environmental Management Plan (CEMP).
- 4.2 The CEMP should be site-specific and detailed in nature and should incorporate development-specific pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution. Full details of what should be included in the CEMP can be found on our website at www.sepa.org.uk/planning/construction_and_pollution.aspx and proposals should comply with the guidance within CIRIA C584 ***Coastal and marine environmental site guide***.
- 4.3 The finalised CEMP should specifically address how it will be ensured that the possibility of introducing marine non-native species to the area will be minimised during the construction phase, including consideration of introduction via construction plant. The following guidance can be drawn from:
- The alien invasive species and the oil and gas industry guidance produced by the Oil and Gas industry (www.ogp.org.uk/pubs/436.pdf);
 - SNH web-based advice on Marine non-native species (www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/marine-nonnatives/);
 - Marine non-native guidance from the GreenBlue (recreationadvice) (www.thegreenblue.org.uk/clubs_and_training_centres/antifoul_and_invasive_species/best_practice_invasive_species.aspx).

5. River basin management planning

- 5.1 For information, river basins comprise all surface waters, including transitional (estuaries) and coastal waters extending to 3 nm seaward from the territorial baseline and the overall classification of ecological status is made up of several different tiers of classification and includes the consideration of chemical, biological and hydromorphological parameters (e.g. structure and integrity of the intertidal and subtidal zones), and not just water quality.

Regulatory advice for the applicant

6. Regulatory requirements

- 6.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. We have provided detailed advice on the likely environmental regulatory requirements of this development in our response to your main planning application. You are encouraged to contact Emma Jones in the local regulatory team at this office to instigate pre-application discussions.

Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or planning.dingwall@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

Ecopy to: <removed>

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.

Marine Scotland
Per Naomi Gibson
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for: Graham Sharp
Direct Dial: 01478 613808
E-mail: graham.sharp@highland.gov.uk
Our Ref: 20/01455/SCRE
Your Ref:
Date: 22 April 2020

Dear Sir/Madam

PLANNING REFERENCE: 20/01455/SCRE
DEVELOPMENT: LAND RECLAMATION FOR LAYDOWN AREA EXTENSION
LOCATION: AT LAND AT KISHORN BASE, KISHORN
APPLICANT: KISHORN PORT LIMITED

I refer to the above proposed development and to your request dated 31st March 2020 for a Screening Opinion under Part 2, Regulation 10(5) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 As Amended (hereafter referred to as 'the 2017 Regulations').

Screening Opinion

It is considered that **Environmental Impact Assessment IS required** for the development described in the letter and information accompanying your screening request.

The rationale behind this screening opinion is as follows:

1. The proposal constitutes Schedule 2, Section 10(g) development (construction of harbours and port installations) under the 2017 Regulations;
2. In assessing the proposal against the criteria in Schedule 3 of the 2017 Regulations it is considered that Sections 1(a) – size and design of the works; 1(b) and 3(g) - cumulation with other approved works, specifically those consented by planning approval 13/02272/FUL; 2(c)(v) – areas classified under or protected under national legislation, specifically the Wester Ross National Scenic Area, apply. As such, the potential impact on the receiving environment is considered to be significant, and it is

therefore the opinion of the Highland Council that an EIA is required for this proposed development.

Yours faithfully

<Redacted>

Graham Sharp
Planner



Appendix 3: Habitats Regulations Appraisal Pre-Screening Report



Appendix 3: Habitat Regulations Appraisal Pre-Screening Report



Kishorn Port Limited

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1 Introduction

In conjunction with submitting a desk-based environmental assessment as a supporting document for a marine licence application for the proposed Land Reclamation at Kishorn Port, this Habitats Regulations Appraisal (HRA) Pre-Screening Report provides information required for the competent authority to carry out an HRA, and, where required, an Appropriate Assessment (AA).

This report is designed to be read in conjunction with the environmental supporting document and directs the reader to the sections of that document which are relevant to the designated site or qualifying species being discussed.

1.1 Legislative Basis

A HRA is required for this development due to its proximity to multiple Natura 2000 sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The legislative context for this requirement is based on Article 6(3) of the Habitats Directive (92/43/EEC), Article 4(4) of the Birds Directive (2009/147/EC), and is implemented in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations).

In Scotland, the Scottish Planning Policy document ensures that Ramsar sites, which are normally included in an HRA assessment, overlap with Natura sites and are therefore protected under the same legislation (Scottish Ministers, 2014). Therefore, Ramsar sites do not need considered separately as part of this HRA Screening report.

If a likely significant effect is predicted on a Natura Site at the first stage of the HRA, then an Appropriate Assessment (AA) must then be carried out. The AA must demonstrate that the proposal will not adversely affect the integrity of the site (SNH, 2017a).

It is the responsibility of the competent authority to carry out the HRA based on robust, scientific information provided by the project developer about the proposed project. It is not the role of the developer to make an assessment on whether or not the proposal will have an adverse effect on any associated Natura sites.

1.2 Terminology

The terminology employed as part of the HRA process relates to likely significant effects (LSEs). Assessment of LSEs takes a precautionary approach and asks whether a project may have an effect, or have the possibility of having an effect, on a Natura site (SNH, 2017b). A project component is said to have an LSE on a designated site if *"it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site"* (European Court of Justice C-127/02, 2004). The conservation objectives of the site provide the framework for considering the potential for LSEs.

1.3 Objectives

The objectives of this HRA Pre-Screening report are to summarise:

- The proposed development details;
- The Natura 2000 sites being considered with reference to the laydown area development, along with these sites' qualifying interests and conservation objectives;
- Details on the qualifying interests for each of the scoped-in Natura sites.

This information will aid the competent authority in carrying out an HRA. This HRA Pre-Screening Report provides a reference as to where the relevant information required to complete the HRA is located within the Environmental Supporting Document, and as such should be read in conjunction with that document. An indication of whether LSEs are expected is given for each designated site, but it is ultimately up to the competent authority carrying out the HRA to ascertain whether LSEs are present, and therefore whether an AA is needed for each designated site.

2 Project Summary

Kishorn Port Ltd wish to create a level laydown area between the east quay and dry dock. The proposed laydown area is planned on an area immediately adjacent to the east quay in order to create a link to the dry dock, which will exist at +7.3m Chart Datum (CD). This will include a portion of land reclamation to create an area of approximately 9.52ha in size, of which 8.03ha are below Mean High Water Spring (MHWS). Kishorn Port is located near the head of Loch Kishorn (Grid Reference: NG 8174 3991) and lies 8km west of the village of Lochcarron along the A896.

There are three main construction activities which are required to be undertaken as part of the creation of the level laydown area including the modification of a watercourse, the transportation of infill material and the placement of infill material.

Prior to undertaking the coastal infill works, it is required that a minor, but currently much modified watercourse, partially in culvert and draining the upper sections of the site, is diverted. The watercourse will be diverted from a single point immediately east of the dry dock and re-routed to Loch Kishorn via a culvert to the edge of the coastal infill area. An existing narrow rock barrier on the eastern side of the dry dock will be removed to provide clear access to allow for the modification of the watercourse.

The seaward extent of the reclaimed land will be rock armoured, utilising excavated rock from the dry dock extension and/or from other permitted extraction areas within Kishorn Port. The material will subsequently be placed to form an outer perimeter bund for the infill area. Much of the placement will be undertaken on land between MLWS and MHWS in tidal windows. As placement is ongoing, the perimeter bund will be built up in compacted layers to provide continued vehicular access at all tidal states. On completion, a heavy-duty geotextile membrane will be secured against the inner slope and the infill will be completed by backfilling with crushed rock to form compacted layers to provide a level surface to the laydown area.

3 Designated Sites

The designated sites which have designated features relevant to the laydown area development are shown in Table 3.1. The sites, or species within the sites, are scoped in or out depending on the level of ecological connectivity to the proposed works. A reduced list of designated sites and features is then taken forward for further assessment. Explanations for why certain sites or qualifying features are excluded is laid out in Section 3.1.

Only Special Areas of Conservation (SACs) and Special Protections Areas (SPAs) are considered, as together, they make up the Natura 2000 Network.

Table 3.1: Designated Sites Relevant to the Kishorn Port Land Reclamation works

Site	Distance and Direction	Qualifying Feature(s)	Included in Further Assessment?
Beinn Bahn SAC	1.19km N	Acidic scree; Alpine and subalpine heaths; Dry heaths; Montane acidic grasslands; Plants in crevices on acidic rocks; Tall herb communities; Wet heathland with cross-leaved heath.	OUT – lack of connectivity between the qualifying features, designated area and construction practices.
Rassal SAC	3.25km NE	Alpine and subalpine calcareous grasslands; Base-rich fens; Hard-water springs depositing lime; Limestone pavements; Mixed woodland on base-rich soils associated with rocky slopes; Mountain willow scrub; Plants in crevices on base-rich rock	OUT – lack of connectivity between the qualifying features, designated area, and construction practices.
Inner Hebrides & The Minches SAC	3.31km WSW, 15.2km S & 16.5km N	Harbour porpoise (<i>Phocoena phocoena</i>)	IN – there is the potential for construction activities to impact on the qualifying features of the SAC due to the proximity between the development area and SAC.
Coille Mhor SAC	8.55km S	Western acidic oak upland	OUT – lack of connectivity between the qualifying features, designated area, and construction practices.
Loch Maree Complex SAC	11.4 – 18.7km NE	Acidic scree; Alder woodland on floodplains; Alpine and subalpine heaths; Blanket bog; Bog woodland; Caledonian forest; Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels; Depressions on peat substrates; Dry heaths; Montane acidic grasslands; <Redacted> Plants in crevices on acid and base-rich rocks; Tall herb communities; Western acidic oak woodland; Wet heathland with cross-leaved heath.	IN - for <Redacted> only as <Redacted> home ranges are known to be greater than the distance between the area of development and the designated site.

Site	Distance and Direction	Qualifying Feature(s)	Included in Further Assessment?
Lochs Duich, Long and Alsh (Reefs) SAC	12.3km S 13.7km SE & 13.5km SW	Reefs	OUT – lack of connectivity between the qualifying features, designated area, and construction practices.
Kinloch and Kyleakin Hills (Monadh Chaol Acainn is Cheann Loch) SAC	14.9km SSW	Alpine and subalpine heaths; Blanket bog; Dry heaths; Mixed woodland on base-rich soils associated with rocky slopes; <Redacted>; Western acidic oak woodland; Wet heathland with cross-leaved heath.	OUT – although are mobile species and the designated site is distanced within the home range of <Redacted> from the area of construction, there is no connectivity between this site and the area of development, given its location on the Isle of Skye.
Loch Maree SPA	18.7km NE	<Redacted> breeding	OUT - lack of connectivity between the qualifying features, designated area, and construction practices.
Wester Ross Lochs SPA	20.5km NE	<Redacted>), breeding	OUT - lack of connectivity between the qualifying features, designated area, and construction practices.
Cuillins SPA	24.2km SW	<Redacted>), breeding	OUT – public records and scientific databases which present data on <Redacted> highlight their scarcity within the immediate construction area and wider proximities. As such, there is a lack of connectivity between the designated site,

Site	Distance and Direction	Qualifying Feature(s)	Included in Further Assessment?
			qualifying feature and construction practices anticipated.
Glen Affric to Strathcanon SPA	28.8km ENE	<Redacted>), breeding	OUT – public records and scientific databases which present data on <Redacted> highlight their scarcity within the immediate construction area and wider proximities. As such, there is a lack of connectivity between the designated site, qualifying feature and construction practices anticipated.
Strathglass Complex SAC	40.1km ENE	Acidic scree; Alpine and subalpine heaths; Blanket bog; Bog woodland; Caledonian forest; Clear-water lakes or lochs with aquatic; vegetation and poor to moderate nutrient; Montane acid grasslands; Mo <Redacted> ub; Plants ices d rocks; Plants in crevices on base-rich rocks; Tall herb communities; Wet heathland with cross-leaved heath.	OUT – despite otters having a home range of up to 40km, there are no watercourses from the designated site which flow into Loch Kishorn. As such, there is a lack of connectivity between the qualifying features, designated area, and construction practices.

3.1 Reasons for Designated Sites or Species Exclusions

3.1.1 SPAs Designated for Ornithological Features

There are 4 SPAs in Table 3.1 that are designated for either <Redacted> or <Redacted>

Each of these sites are located ~18km or more away from the proposed construction area at Kishorn Port. Public and scientific data records for the avian qualifying feature species associated with the 4 SPAs, have indicated that the immediate construction area and 10km radius around Kishorn Port does not support high numbers of <Redacted> or <Redacted> (NBN Atlas, 2020). With only a single record of <Redacted> and 52 records of <Redacted>

within 10km of Kishorn Port, it is unlikely that these species will be present during construction works. As such, there is no potential for any direct effects to occur on these designated sites. As there is no potential for the proposed works to effect on the

qualifying features that are associated with these SPAs, the 4 designated sites are not required to be considered further.

3.1.2 Beinn Bahn SAC

The Beinn Bahn SAC is designated for the conservation of a variety of flora. The high cliffs of Beinn Bahn support a range of upland plant communities include alpine and sub-alpine heaths, ledge vegetation dominated by tall herbs and types adapted to survive amongst the acidic scree. The summit plateaux are dominated by alpine and subalpine heaths but on rocky ground close to the top of the main ridge there are examples of dwarf juniper heath. As the site is designated for flora found only at higher altitudes, no connectivity is anticipated between this site and in the vicinity of the construction of the Kishorn Port land reclamation area. Thus, this site is not taken forward for assessment.

3.1.3 Rassal SAC

The Rassal SAC is a woodland which grows on a rare outcrop of limestone in Wester Ross. With silver-grey ash trees and green grassy terraces, Rassal's lime-rich soil supports an unusual mix of plants. As construction activities will take place closer to the marine environment than the habitat found at Rassal, there is no connectivity between this site and the anticipated construction area at Kishorn Port. Moreover, the geology of Kishorn Port cannot support this type of flora. Thus, this site is not taken forward for assessment.

3.1.4 Coille Mhor SAC

Coille Mhor is an example of old sessile oak woods in north-west Scotland. Many of the oaks on this site are veterans which are now growing within an infilled wood-pasture which is regenerating as woodland. Due to the sessile nature of the environment, there is no degree of connectivity between this site and the anticipated construction area. As such, this site is not taken forward for assessment.

3.1.5 Lochs Duich, Long and Alsh SAC

The Lochs Duich, Long and Alsh SAC is an extensive area of extremely sheltered reefs within a system of fjordic sea lochs. Here, there is considerable diversity with areas of sheltered sublittoral rock supporting unusual assemblages of encrusting sponges and solitary ascidians, and, on shallower reefs, tide-swept kelp forests influenced by brackish water. Loch Duich is particularly notable for its well-developed communities of brachiopods and sea anemones on sheltered bedrock, whilst Loch Long, is subject to variable salinities, supporting communities characterised by encrustingsponges and large numbers of ascidians. Despite some of the construction works anticipated to take place below MHWS, there is a lack of hydrological connectivity due to the distance between the reef features of this site and the construction area. As such, this site is not taken forward for assessment.

3.1.6 Kinloch and Kyleakin Hills (Monadh Chaol Acainn is Cheann Loch) SAC

The Kinloch and Kyleakin Hills SAC is an extensive upland site on Torridonian Sandstone, supporting numerous complex flora, lichen and woodland tree species. This site is also home to ^{<Redacted>} and is situated ~14km away from the construction area. As the floral qualifying features of this site are sessile, consideration is required to be given to ^{<Redacted>}. ^{<Redacted>} are known to have extensive home ranges (up to 40km (SNH, 2020)) and tend to travel along or follow watercourses. Although ^{<Redacted>} can have home ranges of up to 40km, the Kinloch and Kyleakin

Hills SAC is situated close to the coastline and ^{<Redacted>} in more coastal proximities are known to have much smaller home ranges. Due to the position of this site on the Isle of Skye, and the smaller home range of coastal ^{<Redacted>}, it is unlikely that ^{<Redacted>} from this site would be present within the construction area at Kishorn Port. As such, there is no potential for any direct effects to occur on this site. Further consideration is not required.

3.1.7 Strathglass Complex SAC

Although the Strathglass Complex is designated for a number of qualifying features, only the qualifying feature of ^{<Redacted>} were taken into consideration. As aforementioned, in-land ^{<Redacted>} which inhabit more riverine environments have a greater home range than their coastal counterparts. As the Strathglass Complex is 40.1km away from the construction area at Kishorn Port, the distance between the two areas is on the limits of an ^{<Redacted>} home range. However, there are a lack of riverine watercourses which would lead directly to Loch Kishorn and subsequently the construction area at Kishorn Port from the Strathglass Complex. Therefore, it is assumed that is the distance between the two areas is likely to be greater than 40km and ^{<Redacted>} from the Strathglass Complex will not be present within the anticipated construction area at Kishorn Port. As such, this site is not taken forward for assessment.

3.2 Designated Site Information

The Conservation Objectives of each of the designated sites taken forward is provided under each designated site section. Information on where the assessment for the qualifying features or species for each site is then provided.

3.2.1 Inner Hebrides & The Minches SAC

The conservation objectives for the Inner Hebrides & The Minches SAC are shown in Table 3.2 and the qualifying features are shown in Table 3.3.

A degree of connectivity has been identified between the Inner Hebrides & The Minches SAC and the proposed works due to the highly mobile nature of the site's qualifying feature of harbour porpoise. Although LSE are not expected for the qualifying species and therefore it is unlikely that an AA will need to take place, they cannot be ruled out against the qualifying features of the designated site.

Table 3.2 Inner Hebrides & The Minches SAC Conservation Objectives

Conservation Objective of the Designated Site	Section of the supporting document to inform the assessment
Overarching Conservation Objective: To ensure that the habitat of the qualifying species, or disturbance to the qualifying species, does not significantly deteriorate the condition of the site. The site must maintain an appropriate condition to achieve favourable conservation status.	Section 6: Potential Impacts
Further Conservation Objective: To ensure for the qualifying species that the following are maintained in the long term: - No significant disturbance that can contribute to a decline in the ability of the qualifying features ability to survive - High density of species across the site	Section 7: Mitigation, Table 7.1 (see Water Quality, Fuel/Oils and Hazardous Substances and Marine Mammals)

• Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species	
---	--

Table 3.3 Inner Hebrides & The Minches SAC Qualifying Feature

Qualifying Feature	Summary of Assessment
Harbour porpoise (<i>Phocoena phocoena</i>)	In the absence of mitigation, there is potential to cause minor disturbance and/or harm to harbour porpoises designated under the SAC. The placement of material could give rise to increased sediment loading, which reduces water quality including visibility. This could cause disturbance and reduce foraging success in the immediate vicinity of the development. Pollutants released into the water as a result of the release of hydraulic fluids or fuel oils from plant and equipment, or loss of other materials/chemicals will give rise to a localised reduction in water quality. The reduced water quality can have negative, direct or indirect, implications on harbour porpoise in the immediate vicinity of the site when a pollution event occurred. In the unlikely event of a pollution event, the scale of the event is likely to be too small and too far from the designated site to affect it directly. An increase in ambient underwater noise may be experienced during construction due to the placement of rock infill. It is unlikely however, that ambient noise levels will be significantly increased due to the placement of rock infill. Although LSE cannot be ruled out, it is unlikely that there will be an impact on site integrity when taking into consideration the likelihood of exposure to new pollution indices. The potential to cause slight disturbance and the possibility of injury to harbour porpoises designated under the SAC cannot be entirely ruled out. However, in the absence of mitigation, only minor disturbance and low risk of injury to harbour porpoise are anticipated. Mitigation is proposed in Section 7 of the Environmental Supporting Document.

3.2.2 Loch Maree Complex SAC

The conservation objectives for the Loch Maree Complex SAC are shown in Table 3.4 and the qualifying features are shown in Table 3.5.

A degree of connectivity has been identified between the Loch Maree Complex SAC and the proposed works due to the highly mobile nature of the site's qualifying feature of ^{<Redacted>}. Although LSE are not expected for the qualifying species and therefore it is unlikely that an AA will need to take place, they cannot be ruled out against the qualifying features of the designated site.

Table 3.4 Loch Maree Complex SAC Conservation Objectives

Conservation Objective of the Designated Site	Section of the supporting document to inform the assessment
Overarching Conservation Objective: To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features.	
Further Conservation Objective: To ensure for the qualifying species that the following are maintained in the long term: • Extent of the habitat on site; • Distribution of the habitat within site; • Structure and function of the habitat; • Processes supporting the habitat; • Distribution of typical species of the habitat; • Viability of typical species as components of the habitat; • No significant disturbance of typical species of the habitat.	Section 6: Potential Impacts Section 7: Mitigation, Table 7.1 (see Water Quality, Fuel/Oils and Hazardous Substances and <Redacted>)

Table 3.5 Loch Maree Complex SAC Qualifying Feature

Qualifying Feature	Summary of Assessment
<Redacted>	In the absence of mitigation procedures, there is potential to cause minor disturbance and possible injury to <Redacted> designated under the SAC. Pollutants released into the water as a result of the release of hydraulic fluids or fuel oils from plant and equipment, or loss of other materials/chemicals will give rise to a localised reduction in water quality. The reduced water quality can have negative, direct or indirect, implications on <Redacted> in the immediate vicinity of the site when a pollution event occurred. There will be no direct effects on the designated site due to distance. Increased plant movements and vehicles travelling to and from the development area during <Redacted> both construction and operation may lead to increased disturbance of <Redacted> Plant densities are likely to be increased within the construction boundary. It is possible that <Redacted> in the area will enter the construction site during periods when construction works are not ongoing. In this event, <Redacted> may seek shelter in stored materials such as pipes, or in items of plant or equipment. This will result in an increased risk of injury or accidental mortality, if equipment or materials are moved while an <Redacted> is still in-situ. Impacts on site integrity are unlikely when taking into consideration the likelihood of exposure of <Redacted> to new pollution indices. Moreover, the increased levels of human activity, plant movements and other factors as detailed above, in the vicinity of construction make it extremely unlikely that an <Redacted> would enter an area where it is at risk of being injured through a direct interaction with site equipment while construction works are ongoing.

In the absence of mitigation procedures, there is the potential to cause minor disturbance and risk of injury to the ^{<Redacted>} designated under the SAC. Mitigation is proposed in Section 7 of the Environmental Supporting Document.

4 Cumulative & In-Combination Effects

At present, there is full planning consent to extend the Kishorn Dry Dock, (20/03541/FUL). The Dry Dock extension will not impact upon the Inner Hebrides & The Minches SAC due to the works not being in the marine environment. The LSE identified for the Dry Dock Extension on the Loch Maree Complex SAC ^{<Redacted>} were associated with potential polluting incidents, plant and vehicle movements giving rise to disturbance and entrapment risks.

The plans to create a level laydown area between the east quay and dry dock are interlinked with the Dry Dock Extension project, as material won will be used as land reclamation material. Hence, the works are not entirely additive, as the LSE for both projects are overlapping and equivalent mitigation to minimise the risks has been identified. As such the in-combination effects for the land reclamation works and dry dock extension are equivalent or slightly greater than for each of the projects on their own.

5 Conclusion

There are low probabilities of disturbance or harm on the qualifying features of two SAC's. Mitigation measures to reduce risks have been identified to reduce the probability of this occurring further. No risk to the integrity of the SACs by the development or in-combination with the land reclamation works have been identified.

Information from this report can be used by the competent authority, in conjunction with the relevant supporting document sections as identified in this report, to carry out the HRA and any necessary AAs. It will be up to the competent authority to ascertain whether the proposal will adversely affect the integrity of the designated sites to be considered.

6 References

- European Court of Justice C-127/02. (2004). Directive 92/43/EEC -Conservation of natural habitats and of wild flora and fauna - Concept of 'plan' or 'project' - Assessment of the implications of certain plans or projects for the protected site. Case C-127/02. *Waddenvereniging and Vogelsbeschermingvereniging*.
- Scottish Ministers. (2014). *Scottish Planning Polucy (SPP)*.
- SNH. (2017a). Habitats Regulations Appraisal (HRA). In: Scottish Natural Heritage.
- SNH. (2017b). Habitats Regulations Appraisal (HRA): likely significant effects. *Scottish Natural Heritage*,.

7 Glossary

Acronym	Definition
AA	Appropriate Assessment
HRA	Habitats Regulation Assessment
LSE	Likely Significant Effects
SAC	Special Areas of Conservation
SPA	Special Protection Areas



Drawings



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Farr, Inverness, IV2 6AW

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Title: Drawing 55/01 Kishorn Location.

Projection: OSGB 1936/British National
Grid EPSG: 27700

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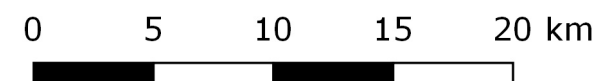
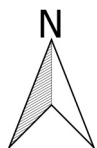
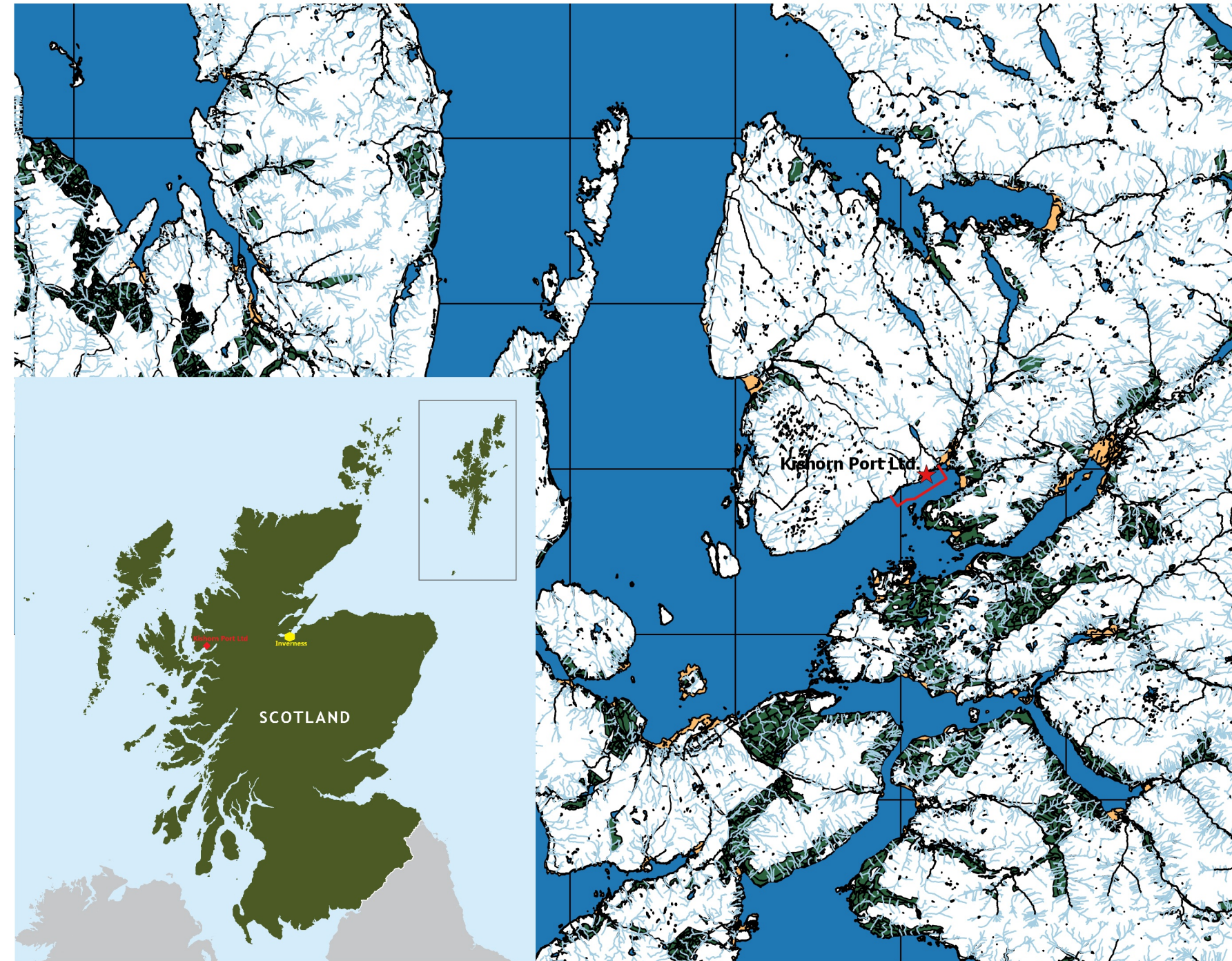
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Page 1	Rev No: 1	Drawing Date: 16/08/2019
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Legend

-  Foreshore
-  Tidal Water
-  Road
-  Woodland
-  Kishorn Location
-  Kishorn Red Crown Estate Lease



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Title: Drawing 55/02 for Mooring Areas

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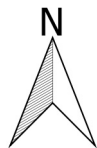
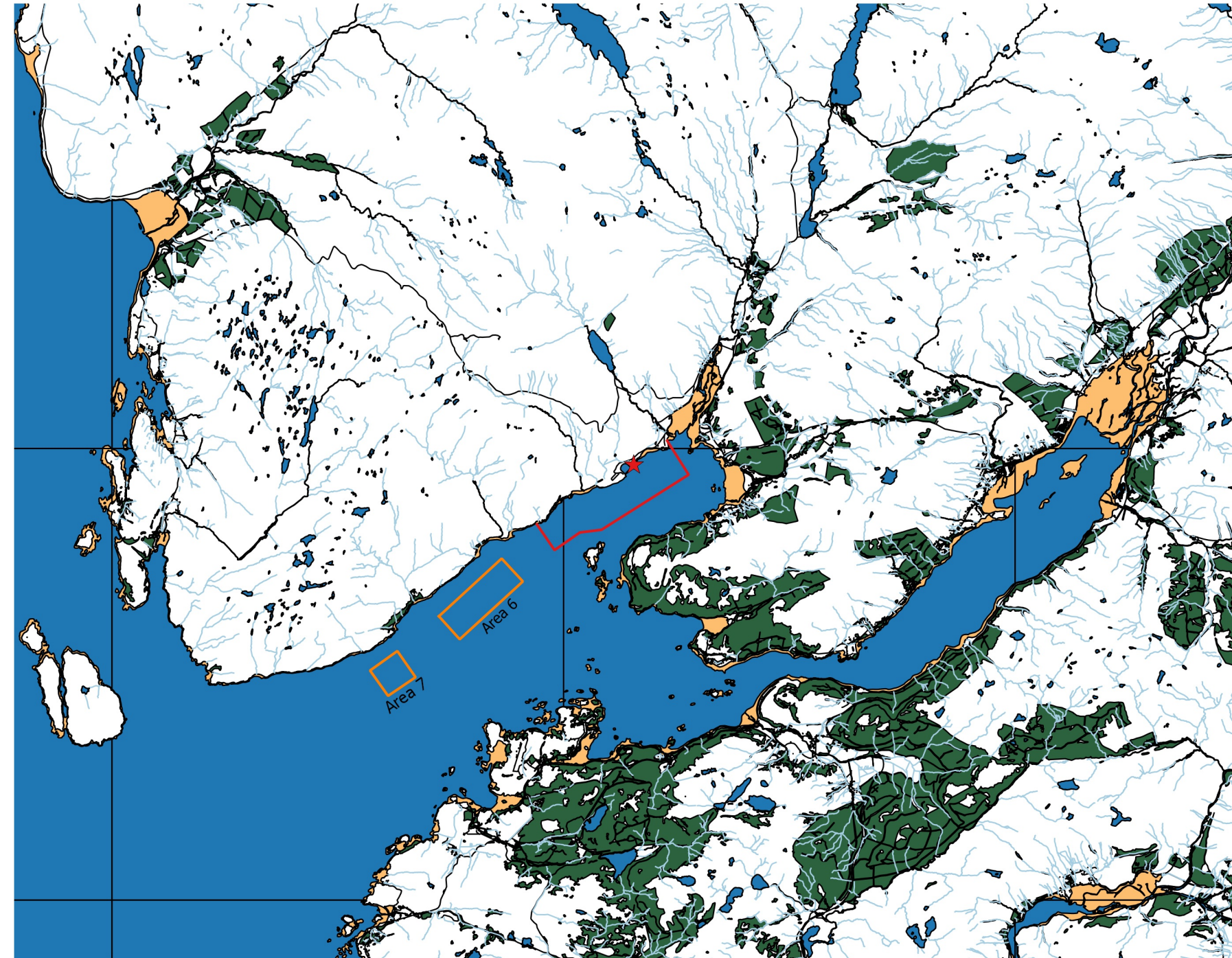
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Page 1	Rev No: 1	Drawing Date: 16/08/2019
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Legend

- Foreshore
- Tidal Water
- Road
- Woodland
- Kishorn Location
- Kishorn Red Crown Estate Lease
- Proposed Mooring Areas



0 5 10 15 20 km

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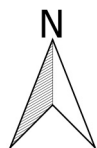
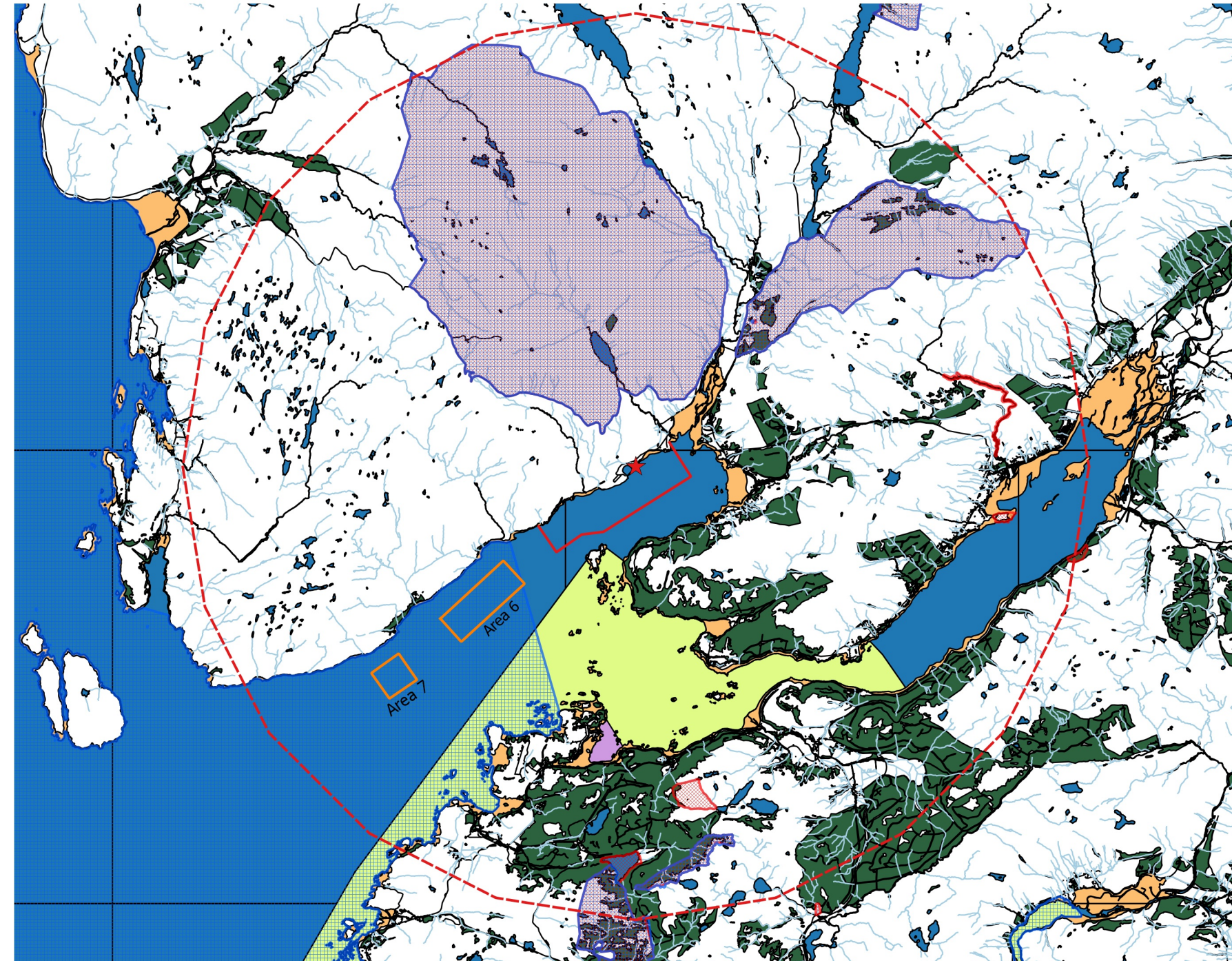
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Page 1	Rev No: 1	Drawing Date: 16/08/2019
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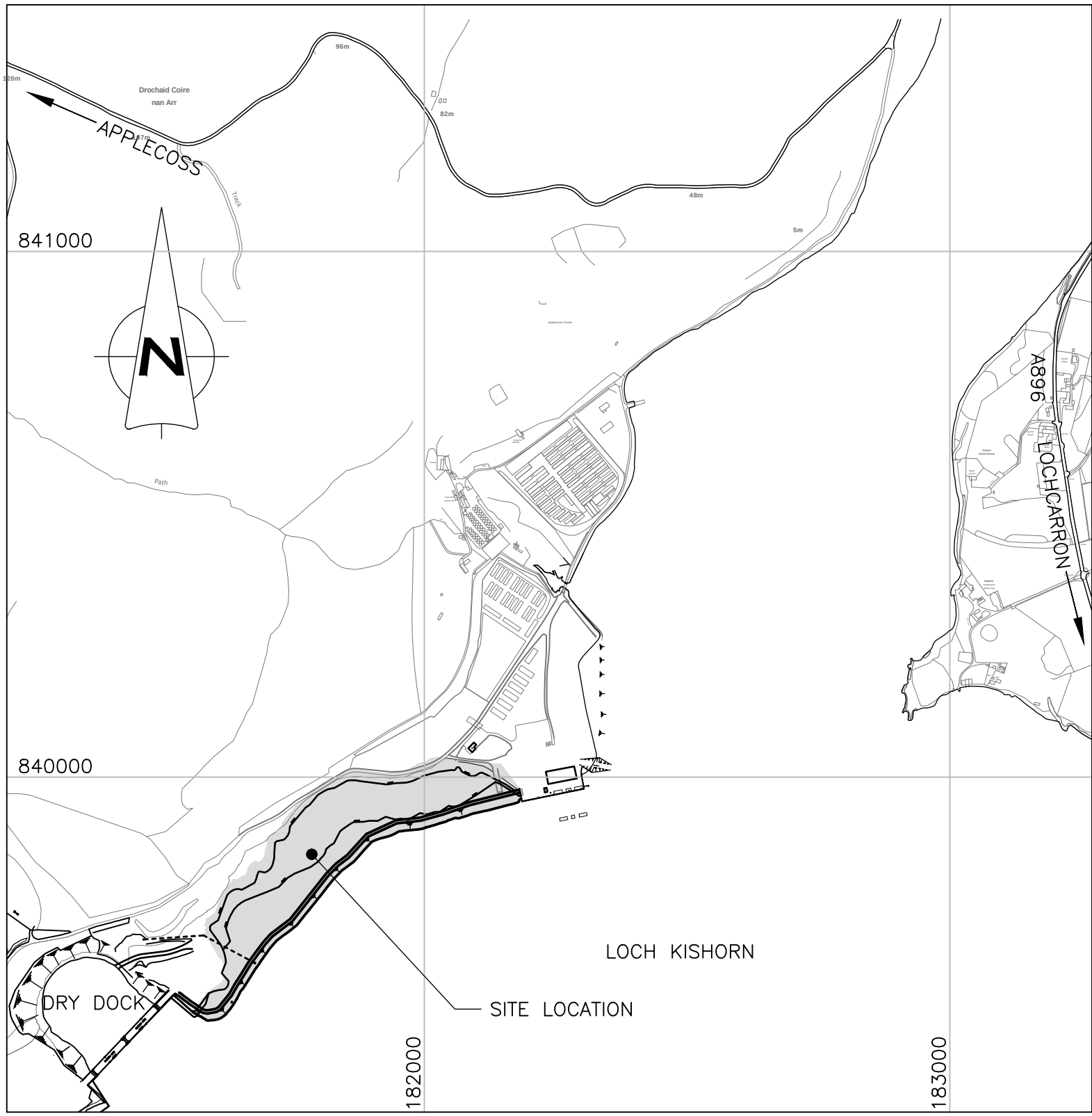
Legend

-  Foreshore
-  Tidal Water
-  Road
-  Woodland
-  Special Area Conservation (SAC)
-  Site of Special Scientific Interest (SSSI)
-  Marine Protected Area (MPA)
-  Proposed MPA
-  Buffer
-  Kishorn Location
-  Kishorn Red Crown Estate Lease
-  Proposed Mooring Areas

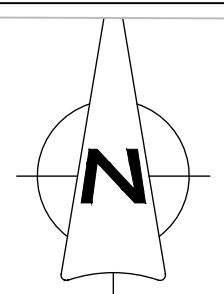
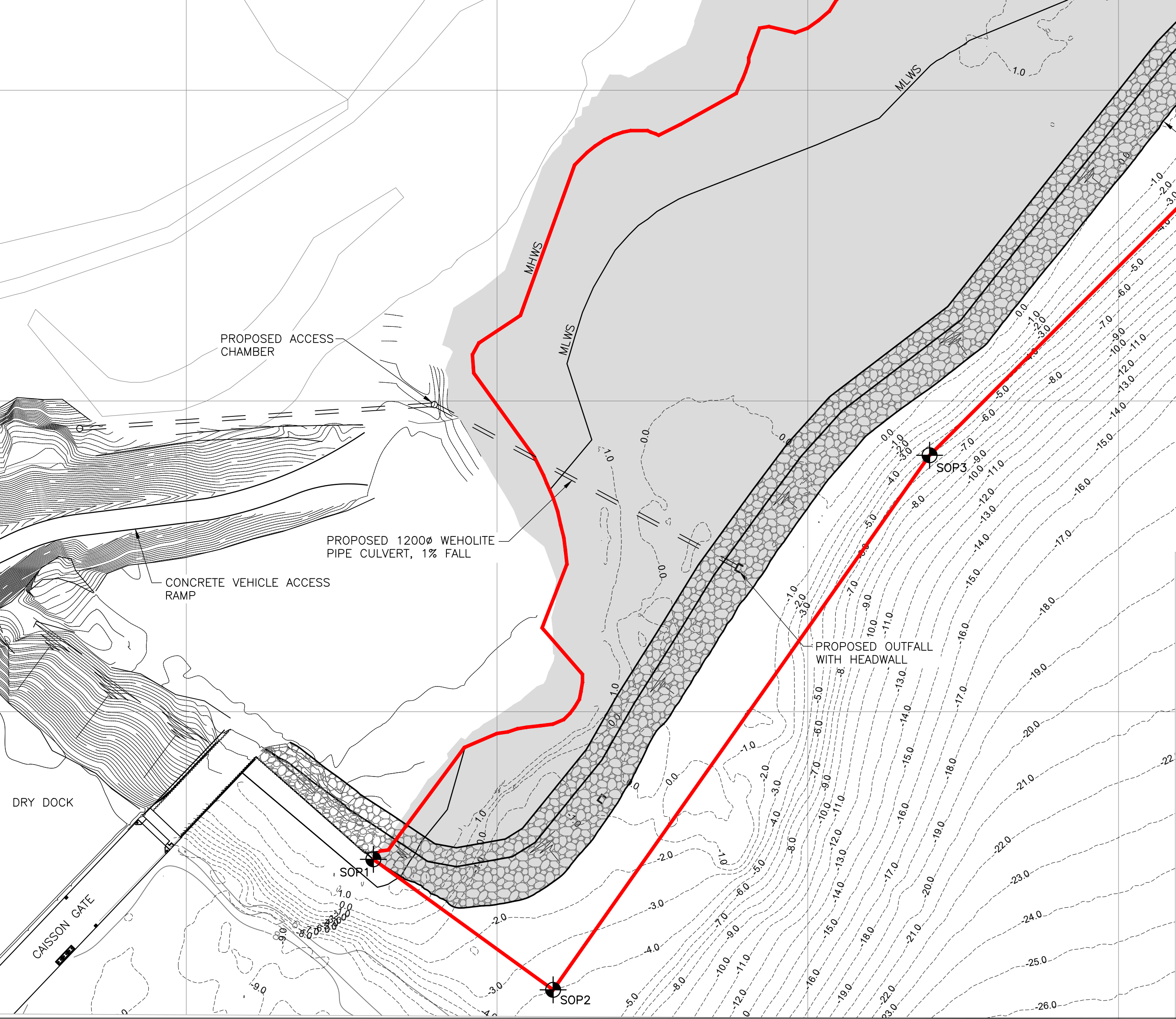


0 5 10 15 20 km





LOCATION PLAN
SCALE 1:10,000



ROCK ARMOUR AND
RECLAMATION – AREA 3

EXISTING TOP OF SLOPE

STORAGE AREA ON
RECLAMATION

RECLAIMED FORESHORE AREA

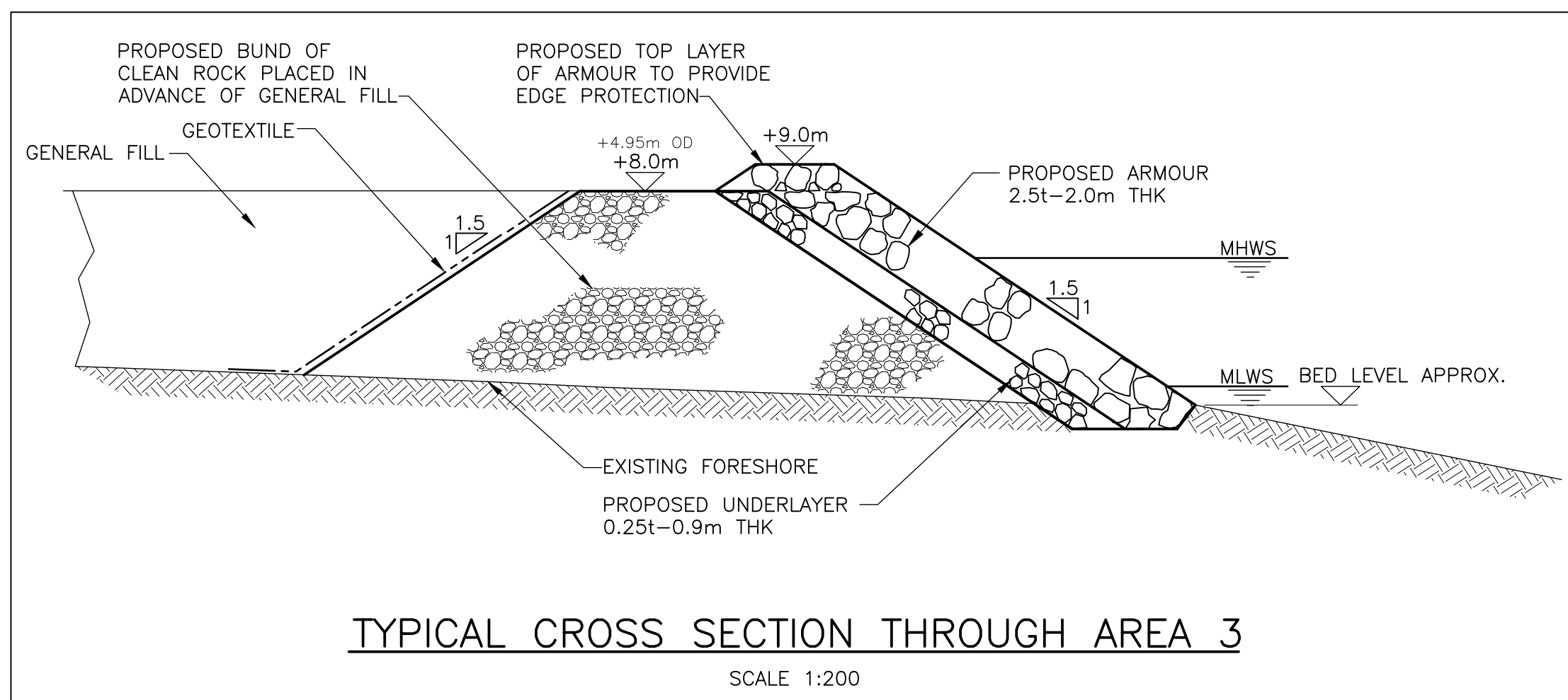
EXISTING SLIPWAY
DEMOLISHED/BACKFILLED

EXISTING TOP OF SLOPE

SETTING OUT INFORMATION			
LOCATION	EASTINGS	NORTHINGS	DEGREES & MINUTES
SOP1	181560.206	839552.500	57° 23.625' N 5° 38.212' W
SOP2	181618.059	839510.494	57° 23.604' N 5° 38.152' W
SOP3	181739.208	839682.524	57° 23.700' N 5° 38.041' W
SOP4	181914.715	839857.745	57° 23.799' N 5° 37.875' W
SOP5	182190.960	839932.747	57° 23.847' N 5° 37.604' W
SOP6	182181.060	839974.550	57° 23.870' N 5° 38.616' W

- NOTES
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
 - ALL LEVELS ARE IN METRES AND RELATE TO CHART DATUM.
 - ALL SECTION SIZES ARE NOMINAL AND SUBJECT TO CONFIRMATION BY DETAIL DESIGN.
 - MHWS +5.5m CD MLWS+0.7m CD
 - ORDNANCE DATUM IS 3.05m ABOVE CHART DATUM.

RECLAMATION AREAS	
TOTAL DEVELOPMENT AREA INCLUDING ROCK ARMOUR	92,093m ²
TOTAL DEVELOPMENT AREA BELOW MHWS	76,542m ²
MARINE LICENSE RED LINE AREA	92,944m ²



MAPPING INFORMATION REPRODUCED WITH THE PERMISSION OF THE ORDNANCE SURVEY
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B	28.09.21	ARMOUR SIZE ADDED	JG	TR	TR
A	15.09.21	BOUNDARY LINE REVISED, SOP2-5 UPDATED.	AB	TR	TR
REV	DATE	DETAILS	DRAWN	CHK'D	APP'D

AMENDMENTS

CLIENT

KISHORN PORT LTD

PROJECT

KISHORN MARINE LICENSE APPLICATION

Wallace Stone
Consulting Civil Engineers

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DRAWING TITLE					
ROCK ARMOUR & RECLAMATION AREA 3					
DRAWN	AB	CHECKED	TR	APPROVED	TR
DATE	SEPT 21	DATE	SEPT 21	DATE	SEPT 21
SCALE (A1)	1:1000 U.N.O	STAGE			
REVISION	A	B			
PROJECT No.	2000	DRAWING No.			
		115			