

**Peter Watson**

PJME Consultants Ltd  
Heriot Cottage,  
Melville Road,  
Ladybank,  
Cupar,  
Fife  
KY15 7LU,

Date: 17 August 2023

Dear Mr Watson,

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

Thank you for your screening opinion request dated 27 June 2023 in regards to the proposed land reclamation works at Kyleakin, Isle of Skye (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 1(e) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Highland Council 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 attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

**Characteristics of the works**

The Proposed Works seek to reclaim two areas of foreshore to enable the construction of a net washing facility. Rock armour will be placed at the outward extent with compacted stone placed behind to raise the land to the required ground level. An initial layer of boulders and cobbles will be placed across the areas to be reclaimed, laid over with a layer of geotextile membrane. This process will be repeated until the desired ground level is achieved. Clean rock, sourced on site, will be transported to the site by dumper truck. The rocks will be placed utilising a land based 20 tonne tracked excavator. A total of 1000 tonnes of material will be employed in the construction. The total area of the works will be 1500 square metres.

**Location of the works**

The Proposed Works are not located within any sensitive areas. The adjacent marine environment contains the following designated areas: Lochs Duich, Long and Alsh MPA; The Inner Hebrides and the Minches SAC; Lochs Duich, Long and Alsh Reefs SAC; and Loch Carron MPA.

NatureScot advised that the proposal is unlikely to have significant effects on the environment. It stated that the area of foreshore is small and has already been modified by adjacent works and that impacts on coastal currents, as a result of the Proposed Works, are unlikely to be significant. Any indirect impacts on the marine environment via pollution or invasive non-native species can be mitigated via good practice measures.

HES advised that the area covered by the Proposed Works was quarried for sand and gravel in the mid-20th century and any historic environment assets would have been removed during those extraction works and are therefore content that significant effects on the marine historic environment are unlikely. HES advised that an EIA is not required for the Proposed Works.

### **Characteristics of the potential impact**

Highland Council do not consider the Proposed Works are likely to give rise to significant environmental effects. It stated that the relatively modest footprint of the Proposed Works are unlikely to result in impacts on features of high ecological sensitivity or value. It noted that the terrestrial aspects of the wider project may give rise to more complex impacts of significance (e.g. waste, noise, discharge of effluent) on the marine environment but stated that the project design details mitigation both operational and embedded to address these matters.

SEPA advised that the Proposed Works will not likely have significant effects in relation to its environmental interests and an EIA is not required.

### **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 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 Directorate - 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

Maureen McIntyre

Marine Directorate - Licensing Operations Team, Scottish Government, 375 Victoria Road, Aberdeen, AB11 9DB  
[www.gov.scot/collections/marine-licensing-and-consent/](http://www.gov.scot/collections/marine-licensing-and-consent/)

T: +44 (0)300 244 5046  
E: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Marine Directorate - Licensing Operations Team

