The Highland Council
Comhairle na Gàidhealtachd

Please ask for: Mark Harvey
E-mail: Mark.harvey@highland.gov.uk
Our Ref: 24/00606/SCOP
Date: 19 July 2024

By email only to: am@muirhallenergy.co.uk

Dear Mr Marshall

THC PLANNING REFERENCE: 24/00606/SCOP
DEVELOPMENT: GLEN ULLINISH COASTAL DELIVERY - PROPOSED NEW QUAY ON THE EASTERN SHORE OF LOCH CAROY.
LOCATION: LAND 460M SOUTH OF SEACLIFF HOUSE, CAROY, STRUAN.

Thank you for requesting an Environmental Impact Assessment (EIA) Scoping Response for the above project and apologise for the delaying in responding.

This letter constitutes The Highland Council's (THC) Scoping Response in relation to the development as described above and supplements advice previously given to the applicant in the Pre-Application Advice Pack 23/03892/PREMAJ issued on 13th March 2024.

That response should be considered alongside this Scoping response to help inform the content of the forthcoming EIAR. This Scoping Response remains valid for 12 months. Should a planning application not be forthcoming within this period it is advised that you obtain an updated response.

We trust that this helps inform the scope of the EIAR and is helpful to the applicant when formalising any forthcoming application.

SCOPING RESPONSE

Applicant:	**Muir Hall Energy**
Project:	**GLEN ULLINISH COASTAL DELIVERY - PROPOSED NEW QUAY ON THE EASTERN SHORE OF LOCH CAROY, THE PROPOSAL WILL ALSO BE SUBJECT TO A MARINE LICENCE(S) FOR PARTS OF THE DEVELOPMENT BELOW THE MEAN HIGH WATER SPRING TIDE LEVEL UNDER THE MARINE (SCOTLAND) ACT 2010**
Project Address:	**LAND 460M SOUTH OF SEACLIFF HOUSE, CAROY, STRUAN**
Our Reference:	**24/01442/SCOP**

This response is given without prejudice to the Planning Authority's right to request additional information in connection with any statement, whether Environmental Impact Assessment Report (EIAR) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and decision on any planning application received by The Highland Council (THC).

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

Consultation responses received to date have already been forwarded to yourselves. Should any further responses be received, these will be forwarded on in due course.

1.0 Description of the Development

1.1 The description of development for the EIAR must include:

- a description of the physical characteristics of the whole development and the full landuse requirements during the operational and construction phases;
- a description of the main characteristics of the construction processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, heat, radiation, etc.) resulting from the operation of the development; and
- the estimated cumulative impact of the project with other consented or operational developments.

2.0 Alternatives

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

- the range of technologies that may have been considered;
- locational criteria and economic parameters used in site selection;
- options for access; including construction laydown areas and staff / contractors accommodation compounds;
- design and locational options for all elements of the proposed development, and
- the environmental effects of the different options examined.

3.0 Environmental Elements Affected

3.1 The EIAR must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded.

4.0 Land Use and Policy

4.1 The EIAR should recognise the existing land uses affected by the development having particular regard for THC's Development Plan inclusive of all statutorily adopted Supplementary Guidance (SG). This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at Scottish Planning Policy,

Planning Advice Notes and which identify the issues that should be taken into account. The purpose of this chapter is to highlight relevant policies not to assess the compatibility of the proposal with policy.

4.2 **The Development Plan comprises the:**

- National Planning Framework 4 (NPF4) adopted in 2023
- Highland-wide Local Development Plan (HwLDP) adopted in 2012
- West Highland and Islands Local Development Plan (WestPlan) adopted in 2019
- Associated Supplementary Guidance

4.3 The Council began a review of HwLDP, with the publication of the Main Issues Report in September 2015 and subsequent consideration of the comments received in 2016. In December 2017, the Scottish Government published the Planning Bill outlining changes to the Scottish planning system. The Council took the decision to halt the HwLDP Review until more was known about the changes. The Planning (Scotland) Act 2019 was subsequently made. Following the finalisation and adoption of NPF4 in February 2023, Regulations and Guidance for Local Development Planning have been finalised, bringing the new provisions for plan preparation into force.

4.4 Applicants are advised to monitor the annual Development Plans Newsletter as this provides a timetable of work on the Highland development plan. The March 2023 Development Plans Newsletter is now available on the Council's website. The annual update of the work programme (draft 2024 Newsletter) is expected to be reported to Committee in February 2024. It is the Council's intention to undertake the evidence gathering stage of the new LDP throughout 2023 and into 2024, with the tentative programme including an Evidence Report towards the end of 2024 and subsequent Gate Check, with Proposed Plan stage towards the end of 2025. The HLDP will, once adopted, replace all our current LDPs. As part of this programme of work, the Council will review the coverage and content of its current suite of Supplementary Guidance, to establish which aspects should be covered within the new Local Development Plan itself, which aspects should be covered within non-statutory planning guidance and any aspects no longer required.

4.5 Developer Contribution, Community Benefit & Community Wealth Building will all need to be considered as the scheme develops. With Developer Contributions sought towards Transport (including Active Travel), Green Infrastructure, Water & Waste and Public Art/Realm in compliance with NPF4 Policy 18 (Infrastructure first), HwLDP Policy 31 (Developer Contributions) and Developer Contributions Supplementary Guidance (2018).

4.6 Community Wealth Building is intended to encourage, promote, and facilitate a new strategic approach to economic development as set out in NPF4 Policy 25. This Policy indicates examples of what contributions by development proposals to community wealth building could include: improving community resilience and reducing inequalities;

increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. However, that is not an exhaustive list.

4.7 A Committee report to the meeting of The Highland Council on 29 June 2023 provided an introduction to the background and principles of Community Wealth Building; the work already being undertaken which contributes towards community wealth building; and an update on the proposed approach being taken to develop a Community Wealth Building Strategy for Highland Council.

4.8 The following observations are made in respect of the EIA Scoping report:

4.9 In relation to Section 3: Planning and Policy Context, The Development Plans Team have made the following observations.

- In terms of land-use planning, all relevant documents have been identified and that a Planning Statement will be submitted as part of the application but not part of the EIAR.
- NPF4 Policy 29 (Rural Development) seems to have been omitted from the list of policies relevant. HwLDP whilst predating NPF4 is still considered part of the LDP, landscape and the relevant policies will still be considered as part of the application assessment, but as outlined above, the Council notes the legislation and planning law indicating that if there is incompatibility between an LDP and NPF4, whichever is the more recent shall prevail.
- Agree that the WestPlan will have limited relevance to this type of proposal as its focus in mainly on regional and settlement strategies and identifying specific site allocations.

4.10

- The identification of NPF4 as a key planning consideration and outline of policies is welcomed. In particular Policy 3 Biodiversity requires all forms of development to include appropriate measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of development. It is worth noting that the Highland Council Biodiversity Planning Guidance (BPG) was taken to the meeting of the Economy and Infrastructure Committee on 2nd May 2024 and has been formally adopted as non-statutory planning guidance.
- The BPG is intended for use by the Planning Authority, applicants and agents to ensure the consistent and proportionate implementation and interpretation of National Planning Framework 4 (NPF4) Policy 3. The BPG aims to provide certainty and clarity for applicants and agents and sets out what supporting information is required to be submitted to demonstrate the conservation, restoration and enhancement of biodiversity as required by NPF4 Policy 3.

Scottish Government has also published draft biodiversity planning guidance setting out the Scottish Ministers' expectations for implementing NPF4 policies which support the cross-cutting NPF4 outcome 'improving biodiversity'.

4.11

- It is noted that you are intending to develop a Biodiversity Management and Enhancement Plan (BMEP), this is welcomed, and an outline/draft should be submitted in support of the application.

5.0 Sustainability

5.1 The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials and minimising environmental impacts of development. A Sustainable Design Statement is required.

5.2 The Council also encourage the inclusion of electric car charging facilities within all new developments. A strategy for the provision of charging points within the development should be submitted with the application.

6.0 Chapter 4: Air Quality

6.1 It is noted that mitigation measures will be contained within a Construction Environmental Management Plan (CEMP) for the proposal. While acceptable in principle we would request that an Outline CEMP is included.

6.2 4.7 Scoping Questions to Consultees

- Q4.1 – Do you agree that the appropriate guidance and legislation has been identified?
- Q4.2 – Do you agree that all relevant receptors have been identified?
- Q4.3 – Do you agree that the methodology is appropriate and proportionate?

The Council's Environmental Health Team (EH) have confirmed that they are agree with all of the above.

7.0 Chapter 5: Landscape, Seascape and Visual Impact

7.1 The Council expects the EIAR to consider the landscape/seascape and visual context of the development. The Council makes a distinction between the two and supports the approach outlined in 5.4.2. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. Assessments should cover impacts of all elements of the development.

7.2 The site is located within the North-West Skye Special Landscape Area, full reference will need to be given to the SLA citation found at https://www.highland.gov.uk/sla.

7.3 NatureScot: Agree that a seascape, landscape and visual impact assessment should be undertaken by a chartered landscape architect in accordance with GLVIA3. Landscape and Coastal Character should be considered (5.1.4). Coastal character descriptions may be of assistance with informing the coastal character assessment.

https://www.nature.scot/doc/description-coastal-charactertypes-including-caithness

The SLVIA should include an assessment of the regionally distinctive landscape of Loch Bracadale as described in our Glen Ullinish II wind farm planning response dated 15 March 2024:

Describing the character of the distinctive Loch Bracadale The distinctiveness of the Loch Bracadale area we consider is most clearly expressed between Gesto Bay, south-west of Struan and Idrigill Point where it displays a complex pattern of intricate, patterned and settled coastal fringes, small scale bays, inlets, islands and coast which markedly contrasts with the larger scale open moorland towards the interior. Each have a role in contributing to the scenic diversity of the area. The coastal character description1 states 'this unit contains coastal and hinterland forms of different character and scale the overall complexity and naturalness of seascape form and pattern is distinctive'. It goes on further to state that this coastal character type would be 'highly sensitive to wind farm development'. Drawing on the underpinning LCTs, it is clear that the Stepped Moorlands and Upland Sloping Moorland LCTs in this location play an important role in both providing a backdrop to the indented settled coast and in views over the coast. The area described will now be referred to as 'Loch Bracadale'

In this area the stepped moorlands LCT are low-lying and merge with the Upland Sloped Moorlands. These contrast sharply with the human scale of adjoining settled landscapes of the Farmed and settled lowlands LCT which are interspersed with these moorland LCTs along the Loch Bracadale coast. This includes the islands within Loch Bracadale, which express the key characteristics of the stepped moorland LCT landform creating a 'fragmented' island coastline. The interaction between these LCTs in this area results in a landscape with a distinctive scenic quality where the moorlands form not only the hinterland to the low-lying intricate coastal edge of Loch Bracadale but also make a key contribution to the scenic diversity of the coastal edge landscape.

We consider the Loch Bracadale landscape to exhibit a particular distinctiveness stemming from the composition of key physical characteristics and the variety of perceptual qualities expressed by this landscape. Loch Bracadale is considered to have a distinctive regional character comprising:

Physical Characteristics

- *Dynamic seascape of fragmented islands which display the distinctive stepped hills and moorland landform;*
- *Distinctive stepped profile where vertical faces vary in scale from low rocky outcrops to high walls of basalt rock, which form dramatic, steep basalt cliffs at the coast with arches, caves and narrow, rocky gullies;*

- *Vertical stepped landform appears as low outcrops or walls of rock, and form steep cliffs along coastlines with coastal rocky landform features and waterfalls;*
- *Complex pattern of intricate, indented coastline of settled crofting areas interspersed with moorland with strong aesthetic qualities resulting from the diversity in colour, texture and form expressed in this landscape; and*
- *Sharp contrast between human activity and small-scale coastal land use patterns, and the large scale mainly uninhabited moorland of simple vegetation which also provides the backcloth to the coastal landscape.*

Perceptual Qualities

- *Dramatic coastal panoramas with a high inter-visibility between promontories/ headlands and commanding coastal viewpoints where the dynamic composition and relationship between land and sea can be experienced;*
- *Strong sense of being on an island due to the close proximity of the sea;*
- *Sense of wild and remoteness along less accessible coastlines; and*
- *Visual containment afforded by the moorland landscape surrounding the coast which provides a simple and unobtrusive backdrop to the more visually complex coast and fragmented island seascape.*

These characteristics and qualities are consistent across the Loch Bracadale area and have clear limits which define them as a cohesive area. They encompass part of the recognised valued landscape designated by the wider North West Skye SLA where 'one of the 'most varied and dynamic areas of scenery to be found within a Highland coastal landscape'4 can be appreciated. These characteristics are also accessed, enjoyed and appreciated by many from the coast and waters of Loch Bracadale, the A863 and coastal routes which access the peninsulas around Loch Bracadale, and promoted, popular walking routes within the area.

The Loch Bracadale area has a clear strong sense of place, where a unique composition of varied and dynamic coastal landscape scenery can be experienced. Loch Bracadale makes a major contribution to the diverse coastal scenery of Skye, is distinctive at the regional scale, and contributes to Scotland's national landscape resource.

7.4 Study Area

7.5 The Council are content with a 10km study area but consider that the detailed assessment should not be restricted to 5km. This is also consistent with advice from NatureScot, who consider that a detailed assessment up to 10km would allow for the consideration of key viewpoints such as Oronsay Island, the west coast of Loch Bracadale between Idrigill point and Loch Bharcasaig, Macleods Tables and the Fiskavaig coast.

7.6 Viewpoints/ Visualisations

7.7 We acknowledge the outline list of VPs a final list will need to be agreed with the Council and NatureScot in advance of the application. The purpose of the selected and agreed viewpoints should be clearly identified and stated in the supporting information. For example, it should be clear that the viewpoint has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for assessment of impact on designated sites, communities or individual properties.

7.8 At this stage the VP locations proposed are all located in close proximity around inner Loch Caroy and all located to the north and west of the site. NatureScot have advised that a wider geographical spread and variety in angle of view and distance would aid assessment. The following VPs are requested to be considered:

- the summit of Oronsay Island (NG31113590). Oronsay is a well-used coastal walk with high sensitivity receptors. It would also represent views from coastal waters.
- towards the southern end of the Harlosh peninsula – perhaps on the road corner at Balmore - NG28984140 and/or from the point - NG28154018.
- Consider VPs on the coastal path between Loch Bharcasaig and Idrigill point. This is also a well-used recreational route and provides some elevation. The headlands, islands and coastal crofting townships that make up the distinctive landscape are well represented in these views. Locations to consider include open level section of track around NG252413; plateaux around ~ NG253385; Idrigill ruins around NG252379. We would only expect visualisations to be produced if buildings or laydown areas were visible. If only the cranes are visible a wireline would be sufficient.
- Wireline or visualisations from the summit of Macleod's Tables (same VP as used for wind farm LVIA) to assess landscape context at greater distances.

7.9 Community Council's may request additional viewpoints and it would be recommended that any pre-application discussions with the local community, and associated reporting on consultation undertaken, take this into account.

7.10 We acknowledge that there will be some micro siting of the viewpoints to avoid intervening screening of vegetation boundary treatments etc. We would recommend that the photographer has in their mind whether the viewpoint is representative or specific and also who the receptors are when they are taking the photos it would be helpful. We have also found that if the photographer has a 3D model on a laptop when they go out on site it helps the orientation of the photography.

7.11 The timing of the visualisation photography should reflect the worst-case scenario when existing deciduous trees and vegetation is not in full leaf. Similarly, should any additional planting be proposed, visualisations should represent the development at the point of completion, and with 10 and 15 years of landscape planting growth.

7.12 As outlined at the pre-application stage, although this is not for a wind farm, photomontages should still accord with and follow principles set out within the Council's Visualisation Standards. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The focal lengths required are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint. These images should form part of the EIAR and not be separate from it. The photomontages should be provided in hard copy in a A3 leaver arch ring bound folder for ease of use.

7.13 When considering the impact on recreational routes please ensure that all core paths, the national cycle network, long distance trails are assessed. It should be noted that these routes are used by a range of receptors.

7.14 Cumulative Assessment

7.15 The cumulative assessment should also include operational, consented, in planning and at scoping wind farms within the 10km Study Area, this is supported by NatureScot. We are happy to advise on schemes to be included for in the cumulative assessment. This would allow comparison of current and 'worst case' scenarios. Cumulative photomontages should include consented, proposed and scoped wind farms (within the Study Area). This should be based on the latest submitted iterations of the wind farm layouts.

The LVIA should also consider the effect of pile driving and dredging sounds on the perceptual qualities of the area during the construction phase, especially given the increased distance that noise is experienced over water.

The effect of cargo vessel traffic (which are significantly larger than the usual fishing boats and pleasure-craft in the area) on the experience of the area during operation of the facility should also be considered, especially since the size of the boats is one of the triggers for the EIA.

7.16 Night time assessment

7.17 We do not currently have sufficient information on lighting (working and/or security) to scope out the need for a night-time visual assessment. Representative night time visualisations should be produced, including a worst case scenario for floodlighting on the site. Wind turbine lighting should be shown in cumulative visualisations. NatureScot recommend the additional Balmore VP is for this purpose.

8.0 Chapter 6 of the Scoping Report: Cultural Heritage

8.1 It is anticipated that Historic Environment Scotland (HES) will provide comments on the assessment methodology for heritage assets within their remit in due course. Detailed

comments were made at the pre-application stage, and you are advised to contact HES directly.

8.2 The Council's Historic Environment Team (Conservation) have no issues to raise with the scoping report. However, we are still awaiting comments from the Councils Archaeologist, these will be forwarded to you once they are available.

9.0 Chapter 7: Terrestrial Ecology

9.1 Due to workload constraints, I am yet to receive a response from the Councils Ecology Officer. It is hoped that additional resources for this team will be forthcoming in due course.

9.2 Habitats (including peatland)

9.3 NatureScot welcome the commitment to carry out an NVC habitat survey (7.2.8). This should include an assessment of condition (grazing/browsing, areas of peat cutting, erosion, burning etc). It advises that the latest version of our peatland guidance should be used (November 2023) rather than older version referenced in section 7.3 – see https://www.nature.scot/doc/advising-peatland-carbon-richsoils-and-priority-peatland-habitats-development-management

The mitigation hierarchy in policy 5 of NPF4 should be followed. Given the distribution of peat shown in figure 11.1 NatureScot expects that any priority peatland habitats could be avoided.

SEPA's response in relation to peat and peatland is detailed in Chapter 11 comments later in this scoping opinion.

9.4 Otters

9.5 NatureScot advise that an initial otter survey was carried out in September 2023, and feeding remains were identified, but the scoping report acknowledges limitations with the survey (7.2.7) and a further survey is proposed. NatureScot advise that the assessment should consider both terrestrial disturbance at breeding or resting sites and the effects of human activity and underwater noise on displacement of otters from feeding habitats.

9.6 Badgers

9.7 Badgers are not present on Skye and the habitats in this area are not suitable, so a badger survey is not required.

9.8 Groundwater Dependent Terrestrial Ecosystems (GWDTE)

9.9 SEPA have made the following comments. GWTDE are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. As it appears that much of the site

is likely to be peatland, we suggest a National Vegetation Classification (NVC) survey is undertaken without carrying out Phase 1. For further information on assessments please refer to SEPA Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems, in particular sections 2.10 to 2.14. NatureScot also provides useful information on NVC survey method and mapping requirements.

Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types SEPA do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.

9.10 SEPA have further states that to avoid delay and potential objection the EIA submission must contain a series of scale drawings of sensitivities, for example peat depth, peat condition, Groundwater Dependent Terrestrial Ecosystems (GWDTE), proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, then reduce and then mitigate significant impacts on the environment.

Each of the drawings must detail all proposed upgraded, temporary and permanent infrastructure. This includes all roads, excavations, buildings, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information. The layout should be designed to minimise the extent of new works on previously undisturbed ground.

9.11 The Councils Forestry Officer has no comments to make.

10.0 Chapter 8 of the Scoping Report: Marine Ecology

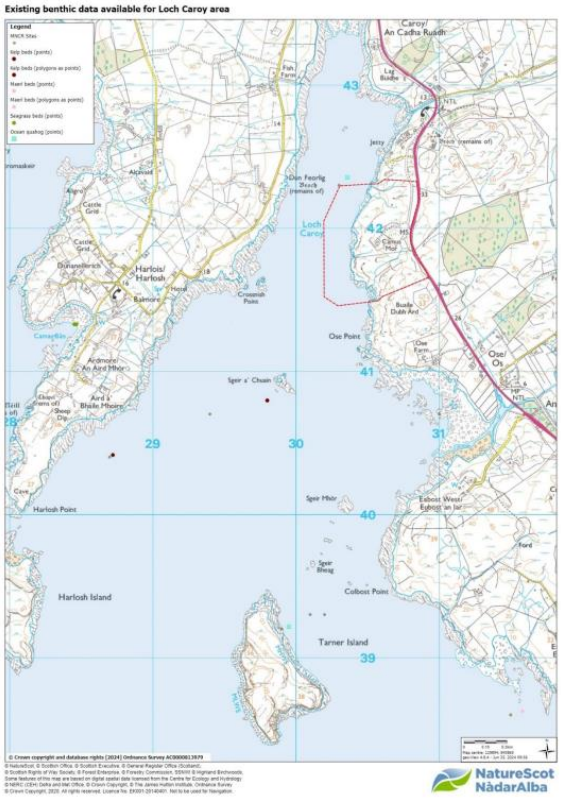
10.1 Given the location, nature and form of this proposal, the identification of material planning considerations and the judgement of what weight they should be given in a final planning application determination, will have to be made with explicit reference to the guidance of **Planning Circular 1/2015: relationship between the statutory land use planning system and marine planning and licencing**.

This is relevant to many of the chapters of the EIAR, but none more so than in respect of marine ecology. Whilst there is no doubt that the policies of the development plan theoretically cover these matters, it is anticipated that the actual impacts in question are likely to emanate from activity covered by marine licencing rather than planning permission.

The authority would be happy to enter into further pre-application discussions with the applicant and the Marine Directorate to agree how circular 1/2015 is to be applied in respect to this proposal.

10.2 Benthic habitats and species: NatureScot welcome the drop-down video surveys that have already been conducted (8.3.5). No information has been provided regarding the findings. We agree that the review of marine data should identify any Priority Marine Features which may be affected by the proposals. The scoping report references much of the available

benthic data and relevant literature. A summary of the data we are aware of in the area most likely to be affected is provided below:



Once the extent of PMF habitats and the scale of impacts have been predicted and quantified these can be assessed against known sensitivities of PMF habitats. A summary of current understanding regarding sensitivity to various pressures is available via FeAST (Feature Activity Sensitivity Tool) https://feature-activity-sensitivity-tool.scot/

Consideration should be given to any impacts at the dredge disposal site. NatureScot agree that the potential for the spread of Invasive Non-Native Species (INNS) should be assessed as detailed in Table 8-16.

10.3 Marine mammals and basking shark (and associated designated sites)

The southern part of the proposal (as defined by the EIA red line boundary) lies within Inner Hebrides and the Minches candidate Special Area of Conservation (SAC), selected for its harbour porpoise. NatureScot agree that existing marine mammal data sources should be used as detailed in Table 8-8. In addition they recommend reviewing the data that was used for site selection of the SAC –

https://apps.snh.gov.uk/sitelink-api/v1/sites/10508/documents/64
https://apps.snh.gov.uk/sitelink-api/v1/sites/10508/documents/63

10.4 The specific location and design of the development has not yet been finalised (2.4.2). The proposals include considerable amounts of piling (marine piling and/or sheet piling), and possibly dredging and dredge disposal (2.5). These activities are likely to affect harbour

porpoise. If porpoise are too close to an intense noise source when it is initiated, hearing damage can occur. Disturbance can occur over tens of kilometres from the activity. Blasting is not currently proposed but if it subsequently proves necessary further detailed assessment will be required. Further details are available in the Ports and Harbours section of the Conservation and Management Advice document at: https://apps.snh.gov.uk/sitelink-api/v1/sites/10508/documents/59

10.5 In addition to the EIA Regulations, the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") also apply. Consequently, Marine Scotland and The Highland Council will be required to consider the effect of the proposal on the SAC before it can be consented. NatureScots view is that this proposal is likely to have a significant effect on harbour porpoise within the SAC.

Consequently, Marine Scotland and The Highland Council, as competent authorities, will be required to carry out an appropriate assessment. The EIAR needs to contains sufficient detail to support these assessments. Site-specific Conservation Objectives are available in the Conservation and Management Advice document

https://apps.snh.gov.uk/sitelinkapi/v1/sites/10508/documents/59

10.6 Other cetacean species

10.7 As listed in Table 8-12 have been recorded within and around the entrance of Loch Bracadale. Given their presence and the noise associated with piling it is likely that an EPS license will be required, and sufficient information should be provided in the EIAR to support that application. The construction methods should be clarified following site investigations including:

• Piling – what type of piles would be installed; how many; impact or vibratory piling; duration of installation.

• Dredging techniques and duration.

• Any blasting – what size of charge; how many; over what duration

The applicant has identified the need to consider the potential for mortality, injury and/or disturbance from underwater noise and vibration (8-16) but has not described how this would be carried out.

10.8 NatureScot agree that underwater noise modelling and assessment should be carried out. Noise levels for all noisy activities should be predicted and we advise that they consider the following references:

- Good Practice Guide for Underwater Noise Measurement, National Measurement Office, Marine Scotland, The Crown Estate, Robinson, S.P., Lepper, P. A. and Hazelwood, R.A., NPL Good Practice Guide No. 133, ISSN: 1368-6550, 2014.

  https://www.npl.co.uk/gpgs/underwater-noise-measurement

- Farcas A., Thompson P.M., Merchant N.D. (2016) Underwater noise modelling for environmental impact assessment. Environmental Impact Assessment Review Vol 57 pg 114- 122

  https://www.sciencedirect.com/science/article/pii/S0195925515300202

10.9 Received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for acute, incidental exposure to underwater anthropogenic sound should be considered. For assessment of impact to marine mammals we advise that they consider both Southall and NMFS injury thresholds:

- National Marine Fisheries Service. 2024. Update to: Technical Guidance for Assessing the 4 Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0): Underwater and In5 Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts. U.S. Dept. of 6 Commer., NOAA. NOAA Technical Memorandum NMFS-OPR

  https://www.fisheries.noaa.gov/s3/2024-05/NMSFAcousticGuidanceDraftTECHMEMOGuidance-3.0-FEB-24-OPR1.pdf

- Southall B.L, James J.F, Reichmuth C., Nachtigall P.E., Ketten D.R. Bowles A.E. Ellison W.T. Nowacek,D.P,, & Tyack P.L. (2019) (2007) Marine Mammal Noise Exposure Criteria: Updated Scientific Recommendation. Aquatic Mammals, Vol 45(2), 125-232

  https://www.researchgate.net/publication/302974965_Marine_mammal_noise_exposure_criteria

Disturbance should also be assessed. NatureScot advise that there is currently no agreed disturbance threshold as such, but that assessments are moving away from a fixed threshold towards using a dose response curve as used in: • Thompson P.M., Hastie G.D., Nedwell J., Barham R., Brookes K.L., Cordes L.S., Bailey H., & McLean N. (2013) Framework for assessing impacts of pile-driving noise from offshore wind farm construction on a harbour seal population Environmental Impact Assessment Review Vol 43 pg 73-85.

While NatureScot expect the above guidance to be considered, the final assessment should be proportionate to the scale and risk of the works. Appropriate mitigation should be put forward as outlined in Table 8-15, based on relevant best practice guidance https://jncc.gov.uk/our-work/marine-mammals-and-noise-mitigation/

Consideration should be given to the size of the piling mitigation zone and the best way to cover it. This should take into account the geography of the site and coverage for MMOs. NatureScot agree that a vessel management plan should be developed as mitigation against potential vessel collisions (Table 8-15)

Effects on marine mammals and basking shark arising from dredge disposal should also be considered.

10.10 Sea of the Hebrides Marine Protected Area

10.11 NatureScot have advised that the scoping report refers to basking shark (8.4.23) and Minke Whale (8.4.30) and briefly refers to the Sea of the Hebrides MPA (8.4.33) which extends to the mouth of Loch Bracadale and which is designated for these species (amongst other features).

The data confidence assessment (available on Sitelink

https://apps.snh.gov.uk/sitelinkapi/v1/sites/10474/documents/50) includes both sightings and modelling data for basking shark and minke whale. Activity levels are high around the mouth of the loch for both species but there are also a number of basking shark records within Loch Bracadale.

The Conservation and Management Advice is also available on the Sitelink website - https://sitelink.nature.scot/site/10474 A specific assessment should be made on the likely increase in boat traffic through the MPA (assuming a worst case scenario for cumulative impacts arising from construction of all of the consented, proposed and scoped wind farms). NatureScot agree that a vessel management plan should be produced.

Consideration should also be given to techniques and methods to decrease the impacts from underwater noise – this may involve noise abatement technology, pile management strategies etc. The timing of the works should also be considered.

10.12 Seals

10.13 NatureScot advise that the development site is approximately 40km from Ascrib, Isay and Dunvegan SAC. Satellite tracking research indicates that some seals travelled over 100 km but 50% of trips were within 25 km of a haul-out site. Satellite tracks for an individual seal tagged in Loch Dunvegan showed trips into Loch Bracadale. Therefore, there is connectivity with the SAC and that this aspect should be assessed in the EIA.

Site Specific Conservation Objectives and Management advice are available in the Conservation and Management Advice document available on Sitelink - https://sitelink.nature.scot/site/8193

Harbour seal hauls have been recorded by SMRU during their August aerial counts hauled out on the skerries south of Ose point. While this does not appear to be used every year, upwards of 30 seals have been recorded in some years. NatureScot therefore disagree that disturbance can be scoped out (Table 8-14) and advise that the potential for disturbance should be assessed. If a higher resolution of data is required, we recommend contacting SMRU.

11.0 Chapter 9: Intertidal and Terrestrial Ornithology

11.1 NatureScot welcome the integration of their previous advice regarding data sources into the scoping report and the collection of site-specific survey data (9.4). They advise that you should also consider their guidance for marine renewables development.

https://www.nature.scot/professionaladvice/planning-and-development/planning-and-development-advice/renewable-energy/marinerenewables/advice-marine-renewables-development

While some of the guidance will not be relevant due to the scale and type of likely effects, similar principles should be applied.

11.2 RSPB have made the following comments.

Bird surveys**:** In general, RSPB are content with the species covered by the surveys to date but are concerned that White-tailed Eagle appears to have been overlooked. Figure 9.1 Ornithology Survey Areas does not illustrate any viewsheds over the intertidal area and the breeding bird survey buffers do not extend past red-line boundary, but the Scoping Report states 500m buffers were used. This information should be included in the EIAR.

A scoping exercise should help inform survey design, and we are disappointed to note that ornithological surveys have already been undertaken prior to this exercise, and that only one year of surveys are proposed. Although the size of the site is relatively small, the change of use is substantial and potential impacts on birds likely, and they therefore strongly recommend that two years of survey are undertaken as per NatureScot guidance.

RSBP also recommend that Whitetailed Eagle use of the site is monitored and nest and roost sites in the locality are identified. They are aware of breeding sites within 2km of the site and that islands in Loch Caroy are used as day roosts. Data collected as part of the Glen Ullinish II wind farm EIA should be used to inform such surveys. RSPB are also concerned that intertidal surveys have only been undertaken in a 500m buffer from the site. The increase in shipping traffic during construction and operation may have a wider disturbance impact outwith a 500m buffer from the site. Therefore, use of Loch Caroy by birds should be examined on a wider scale to determine the expected level of impact.

11.3 White-tailed Eagle RSPB have concerns regarding the construction and operational disturbance that this development may cause, especially for White-tailed Eagle.

White-tailed Eagles are afforded the highest legal protection in Scotland, being listed on Schedules 1, 1A and A1 of the Wildlife and Countryside Act which protects the birds from disturbance all year round and their nest sites from destruction. The species became extinct in the UK during the early 20th century due to illegal killing and the present population is descended from reintroduced birds. White-tailed Eagles are also amber-listed Birds of Conservation Concern with approximately 150 breeding pairs in the UK.

Construction and operation disturbance and displacement impacts on breeding, roosting and foraging should be considered in the assessment, including dredging and vessel movements in Loch Caroy.

11.4 Lighting It is suggested that lighting be scoped out of the assessment as it will be localised. RSPB strongly disagree with this proposal, as impacts on birds vary with design, type and strength of lighting. We are aware that lighting at ports and quays in this area of Scotland impact on seabirds such as young Manx Shearwaters, that are attracted to lighting and

become grounded. This is a common issue at Mallaig. Manx Shearwaters in this area are a qualifying species of the nearby Rum SPA, and such impacts should be considered in the assessment. Lighting may also impact on any roosting While-tailed Eagles in the vicinity, and this should also be considered in the assessment.

11.5 Cumulative impacts RSPB note that cumulative impacts are anticipated to be screened out "as the contribution from the Proposed Development is likely to be small" and "significant additive effects associated with simultaneous construction phases are considered unlikely based on currently available project information for other developments."

RSPB disagree that cumulative impacts are scoped out so early in the assessment process. The purpose of a cumulative impact assessment is to examine if the effect of a number of developments in combination is significant, regardless of whether individual proposals have a significant effect or not.

RSPB understand that cumulative construction impacts are difficult to predict, however, potential effects would be large if all proposals in this area were to be constructed at the same time/overlapping times. However, with appropriate mitigation in place for each project, significant effects could be avoided.

RSPB strongly recommend that an ornithological cumulative assessment is presented in the EIAR including all operational, consented and in-planning onshore wind farms and the Skye Reinforcement Project.

11.6 Biodiversity Management and Enhancement Plan (BMEP) / Habitat Management Plan (HMP) It is RSPB Scotland's current view that biodiversity enhancement measures should not be delivered on designated sits for nature and enhancement measure must be truly additional. Developers also need to anticipate biodiversity enhancement becoming a requirement through the National Marine Plan 2 and respond accordingly in a way that is 'proportionate' to the scale of the development proposed.

12.0 Chapter 10: Noise and Vibration

12.1 The Council's Environmental Health Team (EH) have made the following comments in relation to the section 10 Scoping Questions to Consultees.

- Q10.1 – Do you agree that the appropriate guidance and legislation has been identified?

EH Response – No. The applicant should consider using Noise Rating Curve 20 when assessing the impact of plant, machinery and equipment. All plant, machinery and equipment associated with ventilation, air-conditioning, heating, and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained, and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive property with windows open for ventilation purposes.

If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise sensitive properties.

12.2

- Q10.2 – Do you agree that the study area is appropriate and all NSRs have been identified?

EH Response – No. The study area should be extended to include NSRs close to where ships are waiting to unload at the quay. Noise complaints have been received historically on the Isle of Skye whereby boats are moored out at sea before offloading. No consideration has been given to this scenario whereby ships shall have to moor at sea waiting to offload contents at the proposed quay.

In addition to the above, the applicant should explore the possibility of the site operating on electricity only to decrease the requirement for delivery boats to have engines switched on at the facility.

12.3

- Q10.3 – Do you agree with the proposed method of baseline characterisation?

EH Response – yes

12.4

- Q10.4 – Do you agree with the proposed method of determining effect significance?

EH Response – yes, see comments below regarding blasting, construction noise and liaison with local community.

Blasting

In relation to blasting during the construction phase, the applicant shall submit, for the written approval of the planning authority, a method statement prepared by a suitably qualified and competent person in accordance with PAN 50 Annex D: The Control of Blasting at Surface Mineral Workings. The method statement should include but is not limited to the following: -

- The best practicable measures to be taken to reduce the impact of air overpressure and vibration at sensitive properties.
- A scheme for the monitoring of vibration from blasting including the location of monitoring points and equipment to be used.
- The proposed methods for providing the public with advance warning of any blasting.

Thereafter the development shall progress in accordance with the approved method statement and all approved mitigation measures shall be in place prior to any blasting taking place or as otherwise may be agreed in writing by the Planning Authority.

No blasting operations shall take place out with the hours of 10.00am to 5.00pm Monday to Friday and not at all on Saturdays, Sundays or Public holidays.

Ground vibrations as a result of the blasting operations shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts within any 6-month period. No individual blast shall exceed a peak particle velocity of 12mms1 as measured at noise sensitive properties. The measurement shall be the maximum of three mutually perpendicular directions taken at ground surface at any vibration sensitive building.

12.5 **Construction noise:** In relation to construction noise, generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times.

If the applicant intends to undertake noisy work out-with the times, they will be required to submit a detailed construction noise assessment for the written approval of the planning authority. For the avoidance of doubt, this would include any proposal to run compound generators overnight for the purposes of lighting or drying of PPE etc.

12.6 The assessment should include: -

1) A description of construction activities with reference to noise generating plant and equipment.
2) A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations.
3) A description of any noise mitigation methods that will be employed and the predicted effect of said methods on noise levels.
4) A prediction of noise levels resultant at the curtilage of noise sensitive receptors.
5) An assessment of the predicted noise levels in comparison with relevant standards.

Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. The applicant will be required to submit a scheme demonstrating how this will be implemented. Particular attention should be given to the use of tonal reversing alarms and ground compaction plant which are often the most intrusive noise generating elements of a large construction project.

12.7 **Liaison Group:** The size and duration of the construction development is such that neighbouring residents may experience disturbance over a prolonged period, not only from things like noise and dust but also from issues such as parking and access problems. It is recommended that prior to the development commencing, the applicant be required to submit a scheme for setting up a liaison group for the approval of the Planning Authority.

13.0 Chapter 11: Ground Conditions and Land Quality

13.1 SEPA have made the following comments in relation to Peat and peatland

It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice.

The submission should include a series of layout drawings at a usable scale showing all permanent and temporary infrastructure, with extent of excavation required. These plans should be overlaid on the following:

a) peat depth survey showing peat probe locations, colour coded using distinct colours for each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy in NPF4peat depth survey showing interpolated peat depths.

b) peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category.

The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed excavation is on peat less than 1m deep.

The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible, which may be the case here, then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating roads.

13.2 SEPA note that a phase 1 peat study has been undertaken and a large proportion of the site is on peat. Based on this, from the three site selection options considered at the moment, our preference would be site B which fully avoids impact on deep peat. The potential alternative could be site A where some amendments would be required in a small part in the northeast corner with deeper peat pockets of 1-1.5m.

Further to this SEPA will expect the application to be supported by a comprehensive site specific Peat Management Plan which must include:

a) A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.

b) A table clearly setting out the volumes of acrotelmic, catotelmic and amorphous excavated peat: (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed).

c) Details of proposals for temporary storage and handling of peat - Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss.

d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used.

e) Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

13.3 The Councils Environmental Health Team have the made the following observation in relation to the Scoping Questions to Consultees

- Q11.1 – Do the consultees agree that, subject to further information coming to light from the field surveys, consultation and desk study, the scope of the assessment is appropriate?

EH Response – yes to above question relating to the private water supplies. In relation to septic tanks (private drainage systems), the applicant has not considered these and the applicant must take appropriate steps within the construction to prevent damage to these systems.

- Q11.2 – Do the consultees have any information not outlined in the Scoping report that would inform the impact assessment for soils (and peat)?

EH Response – no

13.4 The Councils Contaminated Land Team have confirmed that there does not appear to be a potential source of contamination onsite, therefore further information is not required to support the future application.

14.0 Chapter 12: Coastal Processes and Geomorphology

14.1 No specific comments to make.

The applicant's attention is drawn to the first paragraph of the Chapter 8 comments above in respect of Planning Circular 1/2015: relationship between the statutory land use planning system and marine planning and licencing, which we think are equally relevant to this chapter also

15.0 Chapter 13: Water and Sediment Quality

15.1 No specific comments to make.

The applicant's attention is drawn to the first paragraph of the Chapter 8 comments above in respect of Planning Circular 1/2015: relationship between the statutory land use planning system and marine planning and licencing, which we think are equally relevant to this chapter also

16.0 Chapter 14: Flood Risk, Drainage and Coastal Protection

16.1 The Council's Flood Risk Management Team have confirmed that they have no comments to make at this stage.

16.2 Flood Risk

16.3 SEPA have stated that the proposed site is partly shown to be at risk of coastal flooding based on the SEPA Future Flood Maps. This indicates that there is a risk of flooding from Loch Caroy. The submitted details indicate that the proposal would be covered by their flood risk standing advice. However, should any of the proposed welfare buildings become overnight accommodation, the flood risk should be assessed and included in the EIA.

16.4 Protection of the water environment

16.5 With the exception of watercourse crossings, the final location of the development should avoid direct impacts on any of the small watercourses which run through the potential development site and include a suitable no-development buffer. For example, if the site C is chosen this should not have any impact on the watercourses located on its north side.

SEPA do not support any form of culverting. Watercourse crossings should be oversized bottomless structures or traditional style bridges

16.6 Pollution prevention and environmental management

16.7 The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory

requirements. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.

17.0 Chapter 16: Traffic and Transport

17.1 In relation to this section the Council's Transport Planning Team have provided the following comments.

17.2 Section 2.6 Operation of the Quay: The facility is intended to continue to be used for other windfarm developments and to assist in decommissioning phases of the Glen Ullinish WF2.

- Information is given on the use of the quay for Glen Ullinish Windfarm. This indicates the use of temporary mobile cranes (which will likely be abnormal vehicles) and other mobile plant. The TA should cover these movements (for use within the quay area). The traffic required for other windfarms to use the quay will likely be similar. The TA shall confirm whether there will be more than one WF able to use the facility concurrently and deal with the worst case during operation.
- It is anticipated that haulage from the port to the windfarms will be dealt with under the planning permissions for the windfarms themselves.
- TA shall confirm what the proposals are for the permanent operation of the quay – for example visitor pontoons and slipway are mentioned. Is there any other likely use of the facility which will generate significant traffic movements? Clarity on what the proposed 'operational traffic' for the quay will be is required.

17.3 Section 2.7.2 Decommissioning: The proposed approach to decommissioning is agreed; appropriately worded planning conditions dealing with decommissioning will be requested on any consent.

17.4 Section 2.8 Cumulative Developments Committed Development and Concurrent Construction Transport Planning note that the construction phase of the numerous renewable energy and electrical grid upgrade works proposed in Skye requires consideration as well as the operational implications of committed development. It is acknowledged that this is difficult to assess without firm programmes and identified construction traffic routes (HGVs as well as any abnormal loads) but the concurrent construction of large projects can have a very significant impact on the road network.

The applicant shall propose a methodology to assess the impact of the construction traffic for this development if it should run concurrently with other permitted developments using the same quarry sources and construction traffic routes and agree this in writing with the Council (as Roads and Planning Authority) prior to submission of the full Transport Assessment. Use of appropriate conditions on any planning consent may be appropriate but some proposals on these are required from the applicant proportionate to the scale of the construction traffic proposed.

Confirmation shall be sought from the planning case officer of any committed development which may affect this development both for EIA and for the full Transport Assessment.

17.5 Section 3.3 National Planning Policy 18 Infrastructure First: Network Safety and Operation shall be considered.

The submitted scoping document only deals with the environmental impact of the proposals and does not address the Transport Assessment (TA) required for the impact on the local road network including issues such as remaining lifespan, structural integrity and the operational considerations of the local road asset (including road safety and road related structures) as set out in recent national policy.

- Therefore, in addition to the EIA a full Transport Assessment to address these wider policy issues is required to support any planning application. It is noted that the requirements for the full transport assessment are more onerous than those required for the EIA.
- Transport Planning offer the observation that it may assist efficiency for all parties if scoping for transport assessment is undertaken in one document rather than two at different times in the process. Guidance is given to the applicant in this document to enable a comprehensive TA scoping document (and subsequent TA) to be prepared.

17.6 Section 16.3 Guidance The EIA and the full TA shall be carried out in accordance with the Council and national Guidance stated. For ease of reference a link is attached below to the Council Guidance

http://www.highland.gov.uk/download/downloads/id/12194/guidelines_for_transport_assessments .pdf

The document 'Transport Statement/Assessment Methodology for Public Roads for which Highland Council is the Roads Authority' gives more detailed guidance for this type of development (and for renewable energy proposals) and is included in the appendix to this response.

17.7 16.4 Scope of Transport Assessment As noted above a wider Transport Assessment than that scoped for the EIA is required to support the planning application.

- The proposed study area (the A836 between Dunvegan and Sligachan) is not acceptable at this stage as there is insufficient information submitted to justify this. Consideration of the traffic generated by the proposal during both operation and construction is required. During the construction phase this requires identification any significant volumes of materials required and of the likely sources of these materials. The most appropriate routes for these materials shall be identified and the proposed study area shall include these routes. The likely routes for abnormal loads shall also be included in the study area. The applicant should note that most cranes are abnormal vehicles and these are required during the operation of the

quay. An operational traffic management plan may be required to support the application (as well as a construction phase traffic management plan).

- The applicant should note that Struan Road (B885) is not an agreed haulage route. The road does not have a modern alignment, base or foundation – it is not suitable for significant volumes of HGV traffic.
- Sensitive receptors such as communities and schools shall be identified.
- Seasonal Variations are significant within the study area and this should be considered in the TA.
- NRTF Low Traffic Growth assumptions are acceptable on the local road network. The applicant should note however that the routes experience significant seasonal variations.
- Traffic Collision Data. It is agreed that the safety of the existing network should be investigated by reference to injury collision statistics for the previous 5-year period. Although the use of Crashmap is acceptable for scoping and initial assessment if issues are identified then more detailed consideration will be required. The relevant contact in that case is Road.Safety@highland.gov.uk. There may be a charge for provision of detailed information.

17.8 Section 16.4 Assessment Methodology

16.4.1 Abnormal loads, HGVs and lighter traffic (such as construction workers) shall be considered in the TA for both the construction and operational phases.

16.4.3 The Impact on the Road Infrastructure itself shall be assessed. See comments under 3.3 above.

16.4.4 The sensitivity of the links shall be agreed as part of the scoping (prior to submission of the TA) with Transport Planning. The applicant should note that the capacity calculations used in the DMRB for design of new links are not usually appropriate for existing historical roads and these should not be used to justify sensitivity classifications or to assess impact on the route without agreement from Transport Planning.

16.4.6 The baseline flows within the study area shall be agreed as part of the scoping document.

16.4.7 Network operational issues shall be included as well as environmental issues in the wider TA which is required to support the planning application.

16.4.8 See comments under section 2.8 above.

16.4.9 The appraisal of the local road network required is likely be wider than consideration of the passing place provision. Full details are given in the guidance documents which have been shared. The A836 will be a key route. As outlined in the methodology attached the TA shall;

- Establish the current condition

- Identify engineering structures forming part of the road which may be affected by the proposals
- Confirm road widths
- Confirm the location and dimensions of any footways and cycleways along the route.
- Confirm the details of adjacent communities.
- Confirm public and school transport provision and infrastructure along the route. The impact on any Public Transport (PT) infrastructure and services shall be assessed.

17.9 Parking and Internal Vehicular and Active Travel Circulation: shall be considered in the wider Transport Assessment. The wider assessment shall include a parking strategy including justification for the proposed levels and dimensioned plans showing the proposed provision. Cycle parking shall be considered. Both the vehicular and the active travel circulation routes for the development shall be indicated.

17.10 Site Access: The proposed site access point/s during construction and operation of the development shall be clearly identified on a layout plan to support the application (rather than at the TA although the location should be identified for the TA). Detailed and dimensioned plans shall be provided to support any planning for the proposed access points confirming visibility, geometry, provision of gates, provision for pedestrians and cyclists and identifying any constraints. The proposals shall comply with the Highland Council's Roads and Transport Guidelines for New Development. A link is attached below. https://www.highland.gov.uk/info/20005/roads_and_pavements/99/roads_information/2

17.11 Section 16.5 and 16.1 Potential Mitigation

These sections are currently not acceptable. They shall be amended to include:

- A reference to the permanent change in traffic flows and the permanent effects on the study network during the operation of the facility.
- A reference to the physical mitigation required to support the traffic generated on the study network during the construction and the operation phase. This shall consider all modes as well as HGV and abnormal load traffic.
- A reference to consideration of Traffic Management as mitigation during both construction and operation phases.
- All modes shall be considered.
- Travel Plan and Monitoring. Refer to Section 16 of the Council's Guidance on the preparation of the Transport Assessments (a link is given above).

17.12 Section 16.6 Potential Impacts

The list of impacts is not acceptable.

- Cyclists should be considered.
- Public transport should be considered.
- It is not considered that Road Safety Audits are an impact of the transport generated by a development although they may be required to support the planning application.
- The impacts set out above under section 3.3 for policy 18 above are required to be considered in the wider TA to support the application (rather than the more restrictive one for the EIA). This includes the impact on the structural integrity and remaining lifespan of the road and the associated structures.

17.13 Transport Scotland: The response from Transport Scotland is noted (they are no longer consulted on EIA proposals). Transport Scotland will require to be consulted on the scoping proposals for the full Transport Assessment required to support the planning proposal. This response is on behalf of the Local Roads Authority only. Transport Scotland also made comments at the pre-application stage, these should be reviewed and acted upon.

17.14 **Appendix: Transport Statement/Assessment Methodology for Public Roads for which Highland Council is the Roads Authority**

17.15 1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, having been investigated to establish their feasibility. This should clearly identify the pros and cons of all the route options and therefore provide a logical selection process to arrive at a preferred route.

17.16 2. Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:

    - Assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including nondestructive testing and sampling as required.
    - Road surface condition and profile
    - Assessment of structures and any weight restrictions
    - Road widths, vertical and horizontal alignment and provision of passing places
    - Details of adjacent communities

17.17 3. Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including:

- Nos. of light and heavy vehicles including staff travel
- Abnormal loads
- Duration of works

17.18 4. Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.

17.19 5. Impacts of proposed traffic including

- Impacts on carriageway, structures, verges etc.
- Impacts on other road users
- Impacts on adjacent communities
- Swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic
- Provision of Trial Runs to be carried out to prove the route is achievable and/or to establish the extent of works required to facilitate transportation

17.20 6. Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects.

17.21 7. Proposed mitigation measures to address impacts identified in 5 above, including

- Carriageway strengthening
- Strengthening of bridges and culverts
- Carriageway widening and/or edge strengthening
- Provision of passing places
- Road safety measures
- Traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.

17.22 8. Details of residual effects.

17.23 The above information is not exhaustive and should be used as a guide to submitting all relevant information in relation to roads, traffic and transportation matters arising from the development proposals, which should be in the form of a comprehensive Transport Statement/Assessment forming part of the EIA submission and/or the more onerous TS/TA required to support the application.

18.0 Chapter 17 – Commercial & Recreational Navigation

18.1 Environmental Heath have provided the following comments in relation to the Scoping Questions to Consultees

- Q17.1 – Do the consultees agree that, subject to further information coming to light from consultation and desk studies, the scope of the assessment is appropriate?

EH Response – No. The scope of the assessment should include the assessment of commercial and recreational lights that shall impact upon residential properties in the vicinity of the project, this assessment is necessary in order to prevent a statutory light nuisance.

- Q17.2 – Do the consultees have any information not outlined in the Scoping report that would inform the impact assessment for commercial and recreational navigation?

EH Response – Yes. In relation to the above comments, external lighting systems must be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light.

18.2 The Northern Lighthouse Board (NLB) note the commitment to carry out a full Navigational Risk Assessment for inclusion within the EIA. NLB also note Section 17.5 (Potential Mitigation) for any impacts on navigation or marine safety, including provision for navigational lighting and marking across both the construction and operational phases. NLB are willing to engage with the applicant throughout the consenting process with regard to lighting and marking, or any other element of navigational safety. This can be done via navigation@nlb.org.uk.

19.0 Health and Safety

19.1 EIARs are not expected to include general health and safety at work however they take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

19.2 A number of matters could be addressed by a Construction Environmental Management Plan (CEMP) for the proposal. While acceptable in principle we would request that an Outline CEMP is included with the EIAR.

20.0 Significant Effects on the Environment

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

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

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

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

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

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

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

21.0 Mitigation

21.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reducing and where possible offset any significant adverse effects on the environment must be set out within the EIAR statement and be followed through within the application for development.

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

http://www.highland.gov.uk/NR/rdonlyres/485C70FB-98A7-4F77-8D6B-ED5ACC7409C0/0/construction_environmental_management_22122010.pdf

This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.

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

If you would like to discuss this scoping response, please contact the undersigned.

Mark Harvey

Team Leader