

Agenda Item	<b>6.3</b>
Report No	<b>PLN/028/21</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 20 April 2021

**Report Title:** 20/03541/FUL: Kishorn Port Limited  
Land At Kishorn Base, Kishorn

**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

**1.1 Description:** Extension to dry dock and change of use of land to allow decommissioning of marine structures. Construction of access road.

**Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

**Development category:** Local Development (with EIA)

**Reason referred to Committee:** More than 5 objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### 2. Recommendation

**2.1** Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 This application seeks planning permission for the change of use of the land, including an extension to the existing dry dock at the Kishorn Yard to facilitate the decommissioning of a greater variety of marine structures, including shipping vessels of up to 250m in length. Currently the existing dock is only able to accommodate structures and vessels up to 160m in length, and it is therefore proposed to excavate an area of hillside diagonally opposite the dock's eastern access gate in order to accommodate larger structures and vessels than could currently enter the dock. It is also proposed to re-route an existing access around the north western segment of the extended dock. These modifications will facilitate decommissioning and other already permitted activities under recently granted planning permission reference 20/03543/S42 that now allows for the decommissioning of shipping vessels. The other uses on the wider site includes the construction of concrete gravity bases and the manufacture and assembly of turbine towers, nacelles and blades for offshore wind turbines. The existing site consists of an area that is largely vegetated with scrub and an existing track to the quarry and wider site.
- 3.2 Pre-Application Consultation: Discussions with the applicant and their agent took place prior to submission of this application to discuss procedure and scope of the supporting information.
- 3.3 While no modifications have been made to the application following its validation, additional supporting information and clarifications have been provided in relation to biosecurity, employment, noise, protected species and traffic, to allow for an assessment of the impacts of the modified proposal within the scope of the originally prepared Environmental Impact Assessment.
- 3.4 This application has been supported by the following information:
- EIA Addendum including chapters on Landscape and Visual, Ecology / Biodiversity, Population and Mitigation.
  - Noise Assessment
  - Protected Species Survey
  - Traffic Management Plan
  - Clarification Report
  - Photos
- 3.5 To allow the proposed development to operate, several licences require to be granted which are outwith the remit of the Planning Authority. This includes licences and permits from organisations such as Marine Scotland and Scottish Environment Protection Agency. Any aspect of the proposal which falls into the remit of other regulatory bodies will not be considered by this report. This includes, but is not limited to, matters related to moorings in Loch Kishorn. The planning implications of such matters will however be considered insofar as they relate to this application. This application is solely for the purpose of the change of use of the land, extension to the dry dock and the construction of a new access road.

## **4. SITE DESCRIPTION**

- 4.1 The application site is within the Kishorn Yard. The Yard was established in the early 1970s as an oil platform construction yard for the North Sea oil industry. The site is located within Wester Ross National Scenic Area (NSA). The coastline was previously altered with the construction of a large dry dock, excavated into the hillside, with the rock used to create adjacent flat foreshore areas. The large concrete Ninian Field Central Platform was cast within the dry dock, and floated out into the deep waters of Loch Kishorn, where it was completed, before being towed to its off-shore location. The yard was then used for the assembly of a steel platform for the Maureen Field and the concrete caissons for the Skye Bridge.
- 4.2 The yard has continued since then in active use for industrial and quarrying activities. The applicant, Kishorn Port Ltd, is a joint venture between Ferguson Transport (Spean Bridge) Ltd and Leiths (Scotland) Ltd. Ferguson Transport currently operates its logistics, warehousing, sea freight, port operator and shipping business from the existing port and dry dock at the east quay. A range of vessels currently operate out of Kishorn Port, ranging in size from 100-1200 tonnes, with onboard cranes for loading. The port facilities currently include hydraulic cranes, forklift trucks, telehandlers and warehousing facilities. There are two industrial warehouses which are located close to the quay along with a large workshop and modular office buildings located to the east of the site.
- 4.3 The quarry at the western end of the site was originally granted planning permission in 2006. It extends to 3.4 ha and produces construction materials for use in the building/civil engineering industry and is served by sea. It comprises an excavation area of 2.3ha with adjacent areas for aggregate processing and stockpiling totalling 2ha. The excavation area was granted planning permission in 2006 but excavation did not commence until 2008, and the quarry is only partially worked.
- 4.4 There is also a boat repair and maintenance yard and fish farm support services located to the north east of the yard. This includes a number of small sheds. The Scottish Salmon Company Fish Farm is located close to the eastern boundary of the Kishorn Yard at Russell. The fish farm and hatchery includes a number of medium sized sheds and tanks. There is also a residential property close to the hatchery that is used for night-time on call staff associated with the hatchery. Since 2013 the hatchery has expanded with new buildings and increased capacity.
- 4.5 The site subject to this application would be the extension to the dry dock that is utilised for deep water berthing and is situated roughly in the centre of the site between West and East Quays. The site itself extends to a little over 1.9 hectares and encompasses the north western face of the existing dry dock and adjacent land between the dock and the existing quarry. This land has already been significantly altered as part of the original yard and quarry operations, with concrete slabs, foundations and access tracks running across it.

## **5. PLANNING HISTORY**

- 5.1 The Kishorn Yard has an extensive planning history. The most recent decisions of relevance to the current proposal are listed below.

5.2	01.11.2013	13/02272/FUL. Extension of existing construction/fabrication yard, including construction of concrete gravity bases, for energy sector, extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings.	GRANTED
5.2	01.11.2013	13/02273/PIP. Erection of workforce accommodation, associated welfare facilities and formation of vehicle parking area	GRANTED
5.3	21.01.2019	18/05057/S42. Vary Condition 1 of consent 17/02389/S42 (which superseded 13/02272/FUL), to permit decommissioning of redundant offshore energy and marine sector structures, excluding the breaking of shipping vessels.	PERMITTED
5.4	10.03.2021	20/03543/S42 Vary Condition 1 of consent 18/05057/S42 to permit the decommissioning of shipping vessels	Permission Granted

## 6. PUBLIC PARTICIPATION

6.1 Advertised: EIA and Schedule 3 development

Date Advertised: 09.10.2020 and 12.03.2021

Representation deadline: 11.04.2021

Timeous representations: 0

Late representations: 47 Objections (43 households)

16 Support

1 General Comment

6.2 Material considerations raised in objection are summarised as follows:

- a) Lighting of vessels/structures within Loch Kishorn has adverse amenity effects, with adverse economic impact on tourism and local businesses from major industrialisation and on free movement of watercraft from moored vessels/structures;
- b) Impact of noise on residents and wildlife; to protect residents and wildlife;
- c) Impacts from blasting and slope stability;
- d) Infill construction;
- e) Impact on local road network due to increased traffic;
- f) Adverse visual impact;
- g) Adverse impacts of lighting of structures awaiting recycling;
- h) Impacts on the marine environment due to structures awaiting recycling (potential pollution);
- i) Adverse economic impacts due to moorings within Loch Kishorn having effects on fishing industry and tourism;
- j) Lack of supporting information; and

k) Concern with regard to procedure given the decommissioning of shipping vessels is prohibited by the extant planning permission.

6.3 Non-material considerations raised in objection are summarised as follows:

a) Insufficient developer contributions

6.4 Material considerations raised in support are summarised as follows:

a) Economic benefit of the proposal including increased employment, diversification of local economy, potential knock on economic impacts on local businesses;

b) Will contribute to the repopulation of the area after decades of population decline;

c) Established industrial site; and

d) Commitment from applicant to protect the local environment.

6.5 Non- Material support considerations raised are summarised as follows:

a) Location of those making representations;

b) Lack of community benefit fund;

c) Non-compliance with conditions on existing planning permission when a ship was previously dismantled within the dock;

6.6 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 7. CONSULTATIONS

7.1 **Lochcarron Community Council** neither support nor object to the application. It has expressed that while there was some support for the application, there was some concerns. These concerns were in relation to the lack of information provided with the application, traffic movements, hazardous waste, the number of ships parked at the moorings, impact on fishing grounds and lack of community consultation.

7.2 **Plockton and District Community Council** object to the application. It has expressed concerns in relation to this development being a significant departure from the existing use and restrictions to access and use of the sea area of outer Loch Carron and Loch Kishorn. Concerns were raised in relation to the impact on fishing grounds and pollution. They also refer to the applicant's Marine Licence, however as this is not a planning matter it is not relevant to this application.

7.3 **Access Officer** does not object to the application. It notes that there are no designated paths or public access within the site.

7.4 **Coastal Planner** does not object to the application following submission of clarifications of the applicant's approach to management of invasive non-native species and marine growth. Initial concerns were raised regarding the fate of marine growth and the risk of the possible introduction of invasive non-native species (INNS) into Loch Kishorn. However, the applicant has demonstrated that all vessels will comply with IMO Ballast Water Management Convention and IMO 2011 Guidelines for the control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species. Providing the vessels comply with the

IMO BWM Convention and the IMO 2011 guidelines for biofouling management as indicated in the application then the Coastal Planner is satisfied the application conforms with Scottish National Marine Plan policy GEN 10 Invasive non-native species.

- 7.5 **Contaminated Land** do not object to this application. The proposed development would not appear to materially change the risk of potential contamination, and a contaminated land condition which requires further investigation is not required. However, and informative should be attached to any decision notice as land contamination issues may affect property value, and all sites with a former industrial/commercial use may be investigated by the Highland Council in future duties conferred by Part IIA of the Environmental Protection Act 1990.
- 7.6 **Development Plans** do not object to this application. It considers the application to be broadly compatible with the decommissioning uses previously permitted. It notes that the proposed modification will provide greater flexibility in terms of the projects the site can accommodate and potentially improve economic security and aid economic recovery more widely. The key issues for the works proposed are the visual impacts on the Wester Ross NSA and any impacts that may arise during the construction or operation of the development on the Beinn Bhan SAC and the Loch Carron MPA.
- 7.7 **Environmental Health** do not object to the application subject to conditions to ensure there is a procedure in place to deal with any noise complaints and routine compliance monitoring. It did however note that the worst case scenario presented would slightly increase noise beyond the current level.
- 7.8 **Flood Risk Management Team** do not object to this application. The site is an existing site of Water Compatible Use.
- 7.9 **Transport Planning** object to the application unless there are suitable safeguards in place to ensure there is no future damage to the local road infrastructure. Transport Planning are seeking a security/contribution to address the likelihood of damage arising from the construction traffic and future operation of the yard. Transport Planning have stated there is an expected period of 24 months where there will be a significant impact on the local road network. However, the clarification document states that construction works will last approximately 8 –12 months. Transport Planning are seeking contributions to address the problem of repairing roads damaged by heavy vehicles. In addition to this Transport Planning have requested planning conditions should be attached to any permission should security/contributions be secured.
- 7.10 **HSE Hazardous Substances Consent** do not object to the application as it does not cross any of their consultation zones.
- 7.11 **Marine Scotland** do not object to this application. Marine licences are needed for deposits from vessels, but the day to day anchoring of vessels, such as those awaiting entry to a port, is not a 'licensable marine activity'. The placement of moorings in those moorings areas is a 'licensable marine activity' and has been licensed. MS has been made aware of issues locally with both the moorings and the vessels awaiting entry. MS are currently working to address ongoing fisheries stakeholder concerns in relation to the moorings marine licence (07111/20/0)

located at in Loch Kishorn as these weren't picked up during the processing of the licence. MS are working with Scottish Creel Fishermen's Federation (SCFF), North West Responsible Fishing Association (NWRFA) and Kishorn Port Ltd, in establishing a way forward to address these concerns of any displacement or impact on fisheries with a collaborative approach.

Kishorn Port has agreed to create a liaison group and develop a Marine User Liaison and Mitigation Action Plan (MULMAP) which it currently intends to cover both the licensed moorings and the use of the loch for anchoring vessels. The MULMAP will include a number of scenarios for the use of the moorings, crucially such scenarios should focus on the effects on any parties affected and provide tailored communication and mitigation strategies. The liaison group will provide for ongoing input into the MULMAP and use of the moorings area. Given this situation (that MS controls the placement of the moorings, but not the anchoring of vessels), and the potential cross over with regulatory bodies, MS recommends that conditions on the planning permissions limit any effects of having these vessels in the loch and the current MULMAP might be one such solution.

- 7.12 **MOD** do not object to this application.
- 7.13 **NatureScot** do not object to this application subject to appropriate mitigation as set out in 7.3 of the EIA Addendum that suggests that the detailed design of the rock cut will aim to blend into the surrounding topography to minimise the visual and landscape impacts. NatureScot have suggested that the developers should consider how to keep as much of the current vegetation around the remaining dry dock area so that the effects on the landscape are further minimised. An updated biosecurity plan was submitted to the satisfaction of NatureScot, together with the assurance that the relevant shipping legislation covering ballast and fouling organisms will be adhered to.
- 7.14 **Scottish Environment Protection Agency** do not object to this application. SEPA have recommended that a suitable condition is imposed requiring decommissioning and restoration in line with the 2018 consent.
- 7.15 **The Scottish Government** had no comment to make on the application, however they have noted it on their records.

## 8. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### 8.1 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 31 - Developer Contributions
- 41 - Business and Industrial Land
- 49 - Coastal Development
- 53 - Minerals
- 54 - Minerals Waste
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species

60 - Other Importance Habitats  
61 - Landscape  
63 - Water Environment  
66 - Surface Water Drainage  
72 - Pollution

## 8.2 **West Highlands and Islands Local Development Plan 2019**

Economic Development Areas - Policy EDA04: Kishorn Yard, Wester Ross

Placemaking Priorities to provide sufficient land to accommodate new and expanding business opportunities at Kishorn Yard.

## 8.3 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects  
(August 2010)

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Physical Constraints (March 2013)

Special Landscape Area Citations (June 2011)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

## 9. **OTHER MATERIAL POLICY CONSIDERATIONS**

### 9.1 **Scottish Government Planning Policy and Guidance**

9.2 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place, and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

9.3 SPP sets out that that we should positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances while supporting existing businesses. It also says that we should plan for new or emerging sectors likely to locate to an area.

### 9.4 **National Planning Framework for Scotland 3 (NPF3)**

9.5 The NPF3 has set out Kishorn Port as a coastal and island community that could attract further innovation and investment. Kishorn Yard is identified as a key national industrial asset in that it provides a large dry dock adjacent to deep water which is therefore well placed to capture decommissioning work from the offshore energy sector. The current permissions already allow such work to take place, and with the recently approved application (ref. 20/003543/S42) that allows for the decommissioning of shipping vessels has contributed towards this as Kishorn Port



can now bid for contracts as they can be included on the European List of Approved Ship Recycling Facilities. This application seeks a relatively small extension to the existing dry dock and the inclusion of ship recycling within the range of already permitted decommissioning activities, which includes the decommissioning of other large marine structures.

9.6 National Policy is currently under review. Following completion of the work on National Planning Framework 4 (NPF4) and adoption by the Scottish Ministers, it will become a statutory part of the Development Plan. In November 2020, The Scottish Government published a position statement in relation to NPF4. The position statement clearly sets out that the current NPF3 and SPP remain in place until NPF4 is adopted by Ministers. It goes on to set out that the Position Statement provides an idea of the direction of travel in the preparation of the NPF4, and states that it *“is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context.”* It is considered that the document can be afforded limited weight in the decision making process. In relation to this specific application the Position Statement sets out that NPF4 will support development in the parts of Scotland where jobs and investment are most needed.

#### 9.7 **Other Relevant National Guidance and Policy**

- PAN 1/2011 – Planning and Noise;
- PAN 1/2013 – Environmental Impact Assessment;
- PAN 60 – Planning for Natural Heritage;
- National Marine Plan.

### 10. **PLANNING APPRAISAL**

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

#### **Determining Issues**

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

#### **Planning Considerations**

10.3 The principle of the development has been established. This is an application to modify the requirements of the conditions on an existing permission and allow a further use to take place within the dock. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with development plan policy and take into consideration any other material considerations.

10.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) landscape and visual impact;

- c) lighting impacts;
- d) noise impacts;
- e) pollution impacts;
- f) protected species;
- g) roads and transportation impacts;
- h) construction impacts;
- i) economic benefits; and
- j) any other material considerations.

### **Development plan/other planning policy**

- 10.5 Development Plan Policy has changed since the time of the determination of the previous application (ref. 18/05057/S42) with the West Highlands and Islands Local Development Plan (WestPlan) being adopted in 2019. However, this is not a significant change as the plan in force at the time of the previous determination was supportive of reuse of the facility at Kishorn. Furthermore, the WestPlan was at Proposed Plan stage where it was the “settled view” of the Council, thus providing an appropriate and up to date framework against which to assess the proposal.
- 10.6 The WestPlan allocates Kishorn Yard as an economic development area that it is safeguarded for serving the offshore industry and in particular renewables, oil and gas sector. Kishorn is considered to be a particularly fragile area, therefore the aim is to increase the quantity, quality and type of job opportunities through land allocations for industrial expansion at key harbours such as Kishorn, with mixed-use allocations that could support rural diversification in this particularly fragile area.
- 10.7 The developer requirements set out that the development must demonstrate that there would be no adverse effect on the integrity of the Beinn Bhan SAC (including any operational activities that arise from development). Furthermore, the development must demonstrate that the impacts of marine based activities and operations arising from diversification of the yard will not adversely affect the integrity of the Loch Carron Marine Protected Area (MPA).
- 10.8 The Highland-wide Local Development Plan (HwLDP) supports development of strategic business and industrial use at Kishorn through both the vision and spatial strategy, with further support provided through Policy 41 (Business and Industry). Policy 28 (Sustainable Design) requires the development to design for sustainability. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 (Design and Place Making) reflects this requirement with an emphasis on the sensitivity of development towards the local landscape setting.
- 10.9 Policy 49 (Coastal Development) identifies this coast as an important local feature through planning Policy 57 (Natural, Built and Cultural Heritage). Relative to this, the Planning Authority will promote development that is sustainable whilst safeguarding its natural and cultural heritage assets.

- 10.10 Policy 56 (Travel) states that proposals that involve an increase in traffic must include sufficient information with the application to enable the Planning Authority to consider any likely on and offsite transport implications.
- 10.11 There is also a requirement to judge the development in terms of its impact upon the natural, built and cultural heritage features identified in Policy 57 (Natural, Built and Cultural Heritage) of HwLDP. The site is within the Wester Ross Natural Scenic Area (NSA) and the policy sets the criteria against which development will be considered to ensure that its impact on the resource may be assessed. The development can be supported if it can be shown that it will not compromise the natural environment and amenity resource involved. The development also has to demonstrate that there will be no adverse impacts on the Loch Carron Marine Protected Area (MPA). Although, the site lies outwith, it is close to the Inner Hebrides and the Minches Special Area of Conservation (SAC) and the impact on this designation also requires to be considered.
- 10.12 Policy 58 (Protected Species) and 59 (Other Protected Species) of the HWLDP identifies the responsibility of all developers to safeguard protected and other important species from harm during any development activities. In this case the site and the area adjacent to it within Loch Kishorn, has the potential to provide habitat for various protected mammal, plant species and aquatic species. The majority of the impacts will however be below mean low water springs therefore are not matters for the Planning Authority and require to be considered by Marine Scotland through the marine licencing process. Policy 58 (Protected Species) states that where there is good reason to believe that a protected species may be present on site, or may be affected by a proposed development, a survey must be carried out to establish any such presence, with a mitigation plan prepared if necessary, before any planning application can be determined. Whilst Policy 60 (Other Important Habitats and Article 10 Features) will seek to safeguard the integrity of features of the landscape that are of major importance. In relation to this application this includes the habitats included on the Scottish Biodiversity list. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Planning Authority will seek to put in place satisfactory mitigation measures, including consideration of compensatory habitat creation, where appropriate.
- 10.13 Policy 61 (Landscape) requires an assessment of the impact any proposed development may have on the landscape taking into account appropriate scale, form and construction materials.
- 10.14 Policy 63 (Water Environment) seeks to support proposals for development that will not compromise the objectives of the Water Framework Directive (2000/60/EC) as a good water environment has many benefits.
- 10.15 Policy 72 (Pollution) requires that proposals that may result in significant pollution such as noise, air, water and light will only be approved where the Planning Authority are satisfied that the applicant has shown how the pollution can be appropriately avoided and if necessary mitigated.
- 10.16 If the Planning Authority is satisfied that there will be no significant adverse impact following the application of mitigation, then the application will accord with the Development Plan. In addition to this any further development is required to accord

with the provisions of the planning permission and the use of the yard is already permitted for the decommissioning of redundant offshore energy and marine sector structures including shipping vessels.

- 10.17 Having recently being granted planning permission for the additional activity of the decommissioning of marine structures (including shipping vessels) (ref. 20/03543/S42), the principle of the use of this area for such a use has been established. Although the principle has been established the potential intensification of use as a result of the dry dock extension allowing larger vessels to be decommissioned will require to be considered. However, the primary focus of this report will be consideration of the effects of the proposed extension to the dry dock. This includes a range of matters that are required to be considered to ensure that the amenity impacts and impacts on the environment, insofar as they are related to matters within the control of the Planning System, are assessed to ensure that the extension of the yard remains consistent with the Development Plan. The remainder of the report will consider the relevant considerations and the impact of the extension and new access track.

### **Landscape and Visual Impacts**

- 10.18 The application is for the change of use of the land, this includes an extension to the dry dock and construction a new access road to the north side of the dry dock. The extension to the dry dock is required in order to allow larger marine structures of up to 250m in length into the yard so they can be decommissioned. The dry dock can currently accommodate structures of up to 160m in length. The site can already accommodate large structures within the existing dry dock, this extension is to allow longer structures to be decommissioned. The construction works are estimated to be completed within 8 - 12 months following commencement of development.
- 10.19 The site is located wholly within the Wester Ross NSA with the proposed extension located adjacent to the north west side of the existing dry dock. Although it is considered to be a relatively small extension in relation to the existing dry dock the excavation required to accommodate the extension is quite substantial. The base level of the extension will align with the existing dry dock at 10m Ordinance Datum with a circa 100m long by 60m wide. The total footprint of the extension will be 6,542m<sup>2</sup>.
- 10.20 In terms of landscape, the site is the existing rock face that was previously excavated in accordance with the previous planning consent (ref 13/02272/FUL) with safety netting. Most of the rock face has revegetated so that the site appears less invasive within the landscape. The site has a south eastern aspect and lies on land between the lower slopes of the Meall Gorm and the coast. The land rises very steeply to the Torridonian Sandstone massifs of Meall Gorm and Beinn Bhan. The lower slopes are hummocky, underlain by glacial till. Rocky outcrops occur and watercourses are cut in bedrock. Heath vegetation dominates the area that has not been developed. The Allt 'a Chumhaing flows south east from the slopes of Meall Gorm, from Coire na Ba to Loch Kishorn, flowing into the loch at a point some 300m west of the site boundary. On the eastern side of the site, the Russell Burn drains the larger catchment of Core nan Arr, via Loch Coire nan Arr.
- 10.21 The development requires that the rock face is excavated. The excavation would involve the removal of approximately 400,000m<sup>3</sup> of rock. The excavation will require the removal of up to 40 metres in height into the rock face. This will be done to create a continuous slope, with the rock cut aesthetically. The slope will be benched

to ensure that the slopes are not too steep and provide rock face stability and safety. The impact of this proposed excavation of the site is required to be considered carefully in terms of the landscape and visual impacts particularly on the Wester Ross NSA.

- 10.22 The EIA Addendum sets out that the landscape and visual impact of the proposed development is unlikely to be significantly different to the status quo, and that the rock can be cut to blend in with the surrounding topography. The land has already been significantly modified as part of the original yard and dry dock works and includes several concrete foundations, slabs and exiting access roads pass through it. Whilst the Planning Authority generally agree that the excavation will not have a significant landscape or visual impact due to the existing site, it should be constructed sympathetically and replanted where possible, so that the landscape blends in with the surrounding Landscape Charter Type (LCT): Rugged Mountain Massif – Ross and Cromarty. This will be secured through a planning condition.
- 10.23 As the site is located within the Wester Ross NSA, the impacts on the NSA has to be considered and Policy 57 of the HwLDP states that for features of national importance the Planning Authority will allow developments that can be shown not to comprise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
- 10.24 The proposal will not result in additional industrialised infrastructure, however there may be more activity generated within Kishorn Yard. Past and current development has already had an impact on the special qualities and the increase in the size of the dry dock along with any intensification of activity will further highlight the presence and impact of the yard within the wider landscape. This proposal will impact the wider landscape from particular views from the coast; that consists of a landscape of many layers, with visual continuity of coastal, moorland and mountain; spectacular and magnificent mountains and recognisable mountain profiles.
- 10.25 As there is existing impacts on views for the nearest receptors (Ardarroch and Achintraid) the proposed development is considered to be a minor change to the baseline as it is anticipated that only the upper part of the extension rock faces will be visible with the lower part shielded by the dry dock gates, and surrounding topography. It is therefore considered that the proposal will not have a significant impact due to the low lying nature and the fact the landscape will be contoured to tie into the existing landscape and therefore not compromise the integrity of the NSA. The EIA Addendum states that the effects on the landscape to be direct, but localised, alterations on landform and land cover. These were assessed as being slight with regards to landform change due to the modified landscape and the re-landscaping that would be undertaken. The findings of the assessment are not disputed by the Planning Authority.
- 10.26 Furthermore, the consented operations already allow for large structures both within the Kishorn yard, and within the adjacent waters of Loch Carron. It is not considered that the proposal to allow larger marine structures and shipping vessels to the yard via Loch Kishorn for decommissioning would result in any significant additional visual and landscape impacts beyond those which would result from the already permitted range of activities at Kishorn, which have been considered to be acceptable in the granting of the previous planning permissions for the site.

- 10.27 The closest settlements to the development lie within the Lochcarron area. Lochcarron is a linear coastal settlement characterised by its mountainous setting and by its fishing and crofting heritage. Historically, most development was focused along the coast however, more recent development has spread up the hillslope to the north. The settlement grew substantially in the early 1970s to accommodate employees of the Kishorn Yard, however since its first closure in the 1980s growth of the settlement has been relatively stagnant and it is now among one of the most fragile areas in Highland.
- 10.28 The settlements of Ardarroch and Achintraid are located directly across Loch Kishorn to the east and south east, at distances of 1km and 1.9km respectively. The site is highly visible from these settlements. Plockton is located 5.5km across Loch Kishorn to the south. Views of the site are obtained from the elevated land at the northern end of Plockton.

### **Lighting Impacts**

- 10.29 Representations have raised concerns in relation to the impact of lighting. The development does not however propose the introduction of any additional external lighting. Conditions can be used to control light spillage from the existing lighting within the yard. It is proposed that these conditions are retained on the planning permission. The extant consent 13/02272/FUL could result in floating structures being stacked within Loch Kishorn, and that these structures would require to be lit at night for navigational and health and safety reasons.
- 10.30 The current application has to be viewed in that context. It is considered that what is currently proposed does not represent a significant increase in the amount of industrial activity which is already permitted by applications 13/02272/FUL and the subsequent applications. SEPA and Marine Scotland would be responsible for the issuing of individual licences for each structure/vessel brought into the loch, and these licences would require that no pollution arises from such activity.
- 10.31 In response to concerns over lighting a Marine User Liaison group will be set up and Mitigation Action Plan (MULMAP) is proposed to minimise this on moored vessels (excluding navigation lights) using the port by condition linked to the operation of the liaison group. This group will include representatives from Kishorn Port Ltd, Contractors, Community Councils, Roads Authority, NatureScot, Scottish Environmental Protection Agency, Environmental Health, fishing interests and the Planning Authority.

### **Noise Impacts**

- 10.32 Concern has been raised in representations over the potential construction and operational noise impacts of the extension and the additional use at the yard. It is possible that the breaking up of larger structures may involve additional noise beyond that previously assessed. While it is not considered that any additional noise emitted from the operation would be significant. The noise assessment indicates that in worst case scenarios, operational noise levels may slightly exceed the stated noise limits. The extant consent is subject to a condition which restricts noise emissions to a prescribed level and within prescribed hours. The same restrictions would be applied to this application should the application be approved. If noise limits are exceeded on limited occasions, it is unlikely that this would be

considered a significant breach of any planning permission which may be applied to the permission. However, this is not to be taken as a permanent relaxation of the limits, especially the night-time limit.

- 10.33 Environmental Health has suggested that the existing liaison group, which includes local representation, should include the matter of noise from Kishorn Yard on their agenda at every meeting. The liaison group should work with the applicant in order to put a procedure in place and an agreement on how noise complaints should be dealt with should be included in the MULMAP.
- 10.34 Representations highlight concern with regard to the potential for 24 hour working within the yard. The applicant has not proposed this, and operational hours of the yard can be set out in planning conditions to ensure that the concerns in relation to 24hr working does not take place. Overall, Environmental Health are satisfied with the proposal and the proposed mitigation that includes routine compliance monitoring.
- 10.35 The EIA Addendum states that in order to minimise the impact of operation noise, all plant and equipment used on site will be fitted with noise control measures such as silencers, acoustic panels or enclosures shall be regularly maintained in accordance with the manufacturer's instructions.
- 10.36 In terms of the construction noise it is anticipated that the construction period for the development would take a maximum of 12 months. Working hours on site will be restricted to be 07.00–19.00 Monday to Saturday with no Sunday working, nor deliveries to site after 13.00 on Saturdays. The EIA Addendum states that any construction works to create the dry dock extension will be equivalent or less than current noisy activities at Kishorn Port. Furthermore, any noise that may arise as a result of construction should not be audible at any noise sensitive receptors due to the distance. The works will include blasting, this will be managed in the same way as quarry blasts with no greater noise and vibration effects than those already considered in the previous application (ref. 13/02272/FUL).

### **Pollution Impacts**

- 10.37 The proposal has the potential to increase the opportunity for additional pollutants to be released at the site by the introduction of larger marine structures/shipping vessels. The Highland Council's Coastal Planner and NatureScot had raised some concerns in relation to the fate of marine growth and the risk of the possible introduction of invasive non-native species (INNS) into Loch Kishorn. The applicant clarified and outlined their biosecurity measures that the operator will have in place to reduce the spread of non-native species. This approach was supported by of the Council's Coastal Planner as the application conforms with Scottish National Marine Plan policy GEN 10 Invasive non-native species.
- 10.38 This requires that all vessels will comply with International Maritime Organisation (IMO) Ballast Water Management Convention and IMO 2011 Guidelines for the control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species. These are internationally recognised measures for reducing the spread of invasive species in the shipping industry and can be considered good practice for reducing the possible introduction of INNS from vessels. The applicant

has stated that the structures and vessels to be decommissioned will predominantly be from the North Sea. This is considered to reduce the risk of transfer of invasive species.

- 10.39 NatureScot requested that the biosecurity plan also covers the potential pathway for marine non-native species to be introduced into the area e.g. via ballast water/hull fouling management. It should also evaluate the possible risk to the features of the Loch Carron Nature Conservation Marine Protected Area (NC MPA). Biogenic reefs such as those within the NC MPA are particularly vulnerable to the introduction of some INNS and the biosecurity plan must include mitigation on how any risk will be reduced or eliminated. This can be secured through planning conditions. The plan should be in place to assess every vessel that comes into the port to assess the risk in accordance with the regulations.
- 10.40 While SEPA did not object to this application, they have recommended that a suitable bond is put in place to ensure that no waste materials are abandoned on site. There is already a planning condition attached to the extant consent that covers the issue of a bond to cover all site restoration and waste materials. This can be applied to any further permission which may be granted.
- 10.41 The Planning Authority has no control over activities below the level of Mean Low Water Spring tides. Marine Scotland are the regulatory Authority for vessels/structures moored within a sea loch.
- 10.42 In terms of the excavation materials, these will be dealt with on site and the rock will be used to reclaim part of the quay as noted in para 10.23. The site lies in an area of Pre-Cambrian Torridonian Sandstone, consisting of well bedded, dark red arkosic (feldspathetic) sequences, derived from eroded gneiss terrains. This along with the proposed drainage will reduce the risk of pollution from the excavation.
- 10.43 The project will require the deployment of a Construction Environmental Management Document (CEMD). This should include a site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the local Planning Authority and relevant statutory consultees. For the avoidance of any doubt submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals.

#### **Impact on Natural Heritage (including protected species)**

- 10.44 A protected species survey was undertaken in 2019, this included otter, badger and pine marten. There were some limitations to the survey due to the extensive rocky coastline and steep banks that made it unsafe to survey. Evidence of otter activity had previously been found (2016 survey) in most areas of the site including within the buildings in the eastern section of the site. Strong otter paths are present in many areas including paths heading out of site. Subsequently some works were undertaken (under licence) that led to the destruction or disturbance of some resting up sites, along the new access road to the dry dock and the area around the dry dock. The 2019 survey recorded that otter activity had reduced in the area compared to 2016, however there were still many field signs that indicate otter presence including within the site and wider area.



- 10.45 In addition to this many spraints were found along the grass above the coastline of the eastern site boundary as well as on and under rocks and rock armour above the tide line were a number of well used resting up sites were recorded and still present in 2019, including some with potential breeding here. However, the dry dock area only had limited evidence of otter using the west bank (near the top of the bank) and it does not appear that otters are accessing the main dry dock area.
- 10.46 The whole site is well used by otters and it likely being used by at least one or two family groups of otters. Mitigation that includes otter crossing warning signs have already been installed since 2016. It is recommended that the otter specialist should review the need or not for a licence once details of the works are confirmed.
- 10.47 The survey also found evidence of badgers at three locations, indicating three small setts and evidence of pine marten activity was found on the site in the form of a scat. As in 2016 although no pine marten dens were confirmed on site there are many potential areas that pine marten could use for den sites and they may use otter resting up sites and badger setts when otters/badgers are not present.
- 10.48 Until the full details of the works are available, it is not known if otter resting up sites will be lost or disturbed. Any loss of disturbance to any resting up sites would require a derogation licence from NatureScot. Whilst these are the findings of the survey there was no evidence of otter or badgers identified within the dry dock extension area. However, consideration will be given when clearing the habitat which primarily consists of dense scrub habitat that has the capacity to offer potential denning and sheltering opportunities.
- 10.49 The survey has made site recommendations and mitigation, these should be included in a Habitat Management Plan (HMP). This should also include habitat enhancements.
- 10.50 The EIA Addendum also sets out information regarding the operation and decommissioning of the development. It is also unlikely that the operation of the proposed development would have any additional impacts arising from the proposed extension to the SAC or the MPA. This is due to the fact that the character of the development has not fundamentally changed, the extension will only allow for longer vessels to enter the dry dock. Furthermore, the applicant will require the appropriate licences from both Marine Scotland and SEPA for any vessels entering the port this will further protect both the SAC and the MPA. There is also unlikely to be any additional impacts arising from the decommissioning of the extension to the existing dry dock as the decommissioning will be limited to the restoration of the new access road.
- 10.51 The extension has been designed to maximise the use of the existing dry dock and allow longer vessels to gain access to the dry dock with the least amount of rock extraction. This is considered to have reduced the potential visual impact of the proposed development. There are two gates at the dry dock separating the sea from the dry dock and the extension has been designed so that in some cases only the east gate will be required to be removed for a vessel entering. The dock will continue to work as it currently does with no additional infrastructure required to empty the dock once the gates are in place. The emptying process due to the increased volume of water in the dock will take half a day longer. Any seepage from the newly exposed rock faces and surface water will collect in a toe drain at the base

of the rock faces, that will connect into the existing dry dock surface water toe drain. This directs the water to an oil interceptor prior to be discharged to the sea. This will ensure that there is no pollution from surface water to the sea.

- 10.52 The construction works will be carried out mainly when the existing dock is dry to reduce the risk of pollution and ensure that there is no connectivity with the seawater outwith and by extension the SAC and MPA. The works that will be undertaken include the stripping of the vegetation, to allow for blasting techniques which will fragment and loosen the rock for excavation. The excavated rock will be stored on-site and reused for the reclamation of another area lying between the dry rock and the east of the quay, that has planning consent (ref. 18/05057/S42). The applicant has confirmed that none of the rock that is excavated will be taken off-site.

### **Roads and Transport Impacts**

- 10.53 The yard will continue to be accessed via the existing access located to the east, linking with the unclassified Tornapress to Applecross Road. The proposal includes a new access road within the site. The access road will be located to the north and north west of the extension to link the north east and south east quays. The new track will be 320m in length and 5m wide. There is an existing road this will be removed to accommodate the extension and replanted to reduce the visual impact.
- 10.54 The existing Traffic Management Plan for the site highlights that if the dry dock is working to capacity on decommissioning then it would lead to 4.5 HGV movements a day. This is approximately half the amount of HGV movements per day compared to the construction of wind turbine concrete caissons. In respect of this application it is considered that there will not be a significant increase in traffic.
- 10.55 The submitted EIA addendum and further clarification documents notes that additional traffic movements associated with the proposal relative to what is already consented along the local road network will be limited, with many materials being removed from the site by sea. The applicant has provided information setting out the traffic movements associated with the decommissioning of the MV Kaami vessel which was undertaken in the yard following the ship running aground off Duntulm, Skye. This sets out that 99.5% of the MV Kaami was recycled, 89% of waste was dispatched by sea, with the remaining waste, which equated to 129 tonnes, was transported by road giving rise to 16 movements over 43 days. The movements included 11 skips and five tankers. Six of these were routed to Fort William, 5 to Aberdeen and 5 to Invergordon.
- 10.56 There have been third party concerns raised in relation to the impact this development would have on the local road network. Transport Planning have also raised concerns regarding the requirement for appropriate safeguards for the weak/single track road infrastructure as there will be an increase of vehicle movements arising from the proposed development. This will predominantly be the case at the construction stage. A robust mechanism is required to improve the road infrastructure. The applicant has agreed to provide either new or upgraded passing places within 20km of the development. A full road condition assessment will be required, and any works will be agreed in consultation with the Planning Authority and the Road Authority. These improvements will be secured through a planning condition.

10.57 The existing roads within the study area are not designed for increases in HGV traffic flows; the pavement construction is historic and not designed to cope with increased heavier traffic; location and weather conditions increase the potential for damage caused by any uplift in traffic volumes of heavier vehicles. Transport Planning estimate that there could be between 222 and 544 lorries, based on 11% of the materials recycled. This level could be higher depending on the vessel being broken up and what proportion can be removed by sea. The EIA Addendum states that all rock excavated will be removed from the port on the local public road network, this will be secured through planning condition.

10.58 Although, it is unlikely that this application will significantly increase the volume of heavier vehicles there is a possibility and it is considered that an Operational Traffic Management Plan should be secured through planning conditions. This should include:

- An initial provision of two new or upgraded passing places on the local road network prior to commencement of construction of the extension to the dry dock;
- Submission of an assessment of the impact on the local road network prior to commencement of development identifying mitigation that may be required and a commitment to delivery prior to first use of the dry dock; and
- A bi-annual review of the operational impacts of the proposal on the local road network following commencement of development and provision of mitigation as may be required (supported by video surveys).

In addition, impact of construction on the local road network, a Section 96 Agreement under the Roads (Scotland) Act 1984 (As Amended) will be required.

10.59 The applicant has verbally committed to working with the Council and other stake holders to seek further investment towards improvements to the local road network.

10.60 Transport Planning have also recommended a series of conditions in order to protect the public road network from damage during construction, manage operational traffic and encourage a sustainable approach to workforce travel.

### **Economic Benefits**

10.61 It is expected that the proposal will likely have economic benefits, with the proposal creating up to 40 jobs in relation to decommissioning work. The developer is also seeking to ensure for future opportunities for the yard. This includes providing training for young people and retraining for older age groups to help tackle the unemployment crisis which is currently predicted. It is also expected that there would be economic benefits to the wider economy with the yard being able to bring enter the decommissioning sector which is valued at approximately £48billion.

### **Other material considerations**

10.62 Concerns have been raised in relation to the lack of public consultation. However, as the application falls below the major development thresholds it therefore does not require to be the subject of public consultation. The application was correctly advertised and neighbour notified by the Planning Authority.

10.63 There are no other material considerations.

## **Non-material considerations**

- 10.64 The issue of some of the objectors not living in the area is not a material planning consideration.
- 10.65 Representations have raised concerns that a ship was previously decommissioned at the site in May 2020 without planning permission first being sought. The ship in question had run aground off the coast of Skye. The Planning Authority agreed to permit this work as a one-off emergency measure in order to prevent a serious pollution incident following advice from SEPA that the vessel involved was in imminent danger of breaking up at sea.
- 10.66 The issue of the lack of developer contributions have been considered and a review of the bond will be undertaken as set out in the conditions of the Section 42 application (ref. 20/03543/S42). The applicant is also required to make a contribution for improvements to the local road network. These improvements will be required to be undertaken prior to any development commencing.
- 10.67 Removal of traditional static gear prawn fishing grounds. Marine Scotland advised on 30.09.2020 that Marine Scotland's regulatory authority does not cover shipping vessels which might anchor in the Loch awaiting entry to the dry dock. It is unlikely that this development would impact any fishing grounds and appropriate mitigation is sought through the development of the liaison group and the MULMAP.
- 10.68 The lack of a community benefit package is not a material planning consideration.

## **Matters to be secured by Legal Agreement**

- 10.69 No matters require to be secured by legal agreement as all mitigation and restoration provisions are proposed to be secured by condition.

## **11. CONCLUSION**

- 11.1 The Planning Authority are broadly supportive of expanding commercial and economic opportunities in the right location and where mitigation can be secured to reduce or avoid any adverse impacts. This development will assist the diversification of the existing development to allow it to decommission larger marine structures and vessels in order to become more flexible and adaptable to the ever-changing circumstances. Kishorn Yard is a key national industrial asset which has benefited the local economy and could continue to do so through its expansion.
- 11.2 The benefits of the proposal requires to be considered against any potential adverse impacts, many of which have been highlighted in representations. Any permission granted would require the potential adverse effects to be mitigated. This includes securing the mitigation measures applied to the original permission as well as additional ones to ensure matters such as adherence to noise levels, biosafety measures are in place to prevent pollution and protection of wildlife.
- 11.3 Subject to appropriate planning conditions being applied, the proposal for the extension to the dry dock to permit the decommissioning of larger marine structures and shipping vessels is broadly acceptable.

- 11.4 The applicant has been able to demonstrate that many of the potential adverse impacts can be appropriately addressed and that there will be clear benefits associated with the proposal. It is considered that sufficient safeguards are in place through the proposed conditions to avoid a significant adverse impact on the wider environment and amenity of the area.
- 11.5 The Planning Authority is satisfied that the subject application is supported by the necessary information in the form of the submitted EIA addendum and clarification documents which considers the proposal against the baseline of the already consented major industrial development.
- 11.6 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 12. IMPLICATIONS

- 12.1 Resource: Not applicable
- 12.2 Legal: Not applicable
- 12.3 Community (Equality, Poverty and Rural): Not applicable
- 12.4 Climate Change/Carbon Clever: If permitted the applicant will be committed to reducing their carbon footprint through the use of a Travel Plan to reduce the need to travel.
- 12.5 Risk: Not applicable
- 12.6 Gaelic: Not applicable

## 13. RECOMMENDATION

### Action required before decision Y issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N
Payment of developer contribution	N

**Subject to the above**, it is recommended that planning permission be **GRANT**, subject to the following:

### Conditions and Reasons

- The development relates to the extension of an existing construction/fabrication yard, including construction of concrete gravity bases for the energy sector, decommissioning of redundant offshore, energy and marine sector structures,

(including the decommissioning of shipping vessels), extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings. The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, including information related to restoration, except insofar as amended by the terms of this consent or as approved in writing by the Planning Authority in consultation with other relevant authorities.

**Reason:** In order to clarify the terms of this planning permission and to ensure the development is implemented in accordance with the provisions of the application and associated documents.

2. No development shall commence until detailed design specification for the site, including the excavation, layout, dimensions and landscaping have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and NatureScot, as necessary). Thereafter, development shall progress in accordance with these approved details. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that of the development is acceptable in terms of visual and landscape considerations to avoid adverse effects on the qualities of the Wester Ross National Scenic Area.

3. No new external lighting shall be installed on the site until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or unnecessary light spillage. Details shall also include an assessment of the impact of lighting on nearby settlements/residential properties. Thereafter the development shall be completed and maintained in accordance with the approved details.

**Reason:** In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

4. No development shall commence until a scheme extension has been submitted to and approved in writing by the Planning Authority detailing how the dry dock area and dry dock extension area is to be placed into dormant state, if no longer required to be in use. The scheme, to be known as the Interim Restoration Plan (IRP), shall be prepared in accordance with legislative requirements and published best practice at the time of preparation of the document. The IRP shall include details about how all elements of the development are to be decommissioned and the land restored, including where necessary details of:

- a) justification for retention of any relevant elements of the development;
- b) details of how the dry dock will be made environmentally secure
- c) removal of all waste materials from the site;
- d) the treatment of disturbed ground surfaces to ensure they are returned to their previous use and natural habitat (where appropriate);
- e) management and timing of the works;

- f) environmental management provisions;
- g) a traffic management plan to address any traffic impact issues during the decommissioning period.

There IRP shall be reviewed every 5 years following the anniversary of first use of the extended dry dock and submitted to and approved in writing by the Planning Authority in consultation with Scottish Environment Protection Agency and NatureScot. The plan shall be based on the IRP, best practice current at the time of submission. Thereafter decommissioning restoration shall be carried out in accordance with the approved details and timescales.

**Reason:** In the interests of amenity to ensure appropriate and timeous restoration of the site.

5. For the avoidance of doubt, any tall structures in excess of 300 feet (91.44m) above ordnance datum (AOD) shall have aircraft warning lights fitted to the satisfaction of the Planning Authority in consultation with the Civil Aviation Authority. Prior to the erection of any structures in excess of 300 feet (91.44m) AOD, the developer shall notify the Defence Infrastructure Organisation and the Civil Aviation Authority so that they may publicise the location to the aviation communities.

**Reason:** For air traffic safety reasons given the proximity of Plockton Airfield.

6. No development shall commence until the remit and membership of a Stakeholder Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, Roads Authority, NatureScot, Scottish Environment Protection Agency, Environmental Health, marine users, fishing interests and the Planning Authority, has been submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt the remit of the Stakeholder Liaison Group shall be to promote effective communication. This should include the preparation and adoption of a Marine User Liaison and Mitigation Action Plan (MULMAP) to address any marine concerns. The MULMAP shall be submitted to and approved in writing by the Planning Authority in consultation with Marine Scotland following consultation with the members of the Stake Holder Liaison Group.

For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.

**Reason:** To protect the interests of marine users.

7. No development shall commence until the remit and membership of a Local Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, Transport Planning, NatureScot, Scottish Environment Protection Agency, Environmental Health and the Planning Authority, has been submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt the remit of the Local Liaison Group shall be to promote effective communication. This should include a Management Plan to address any amenity concerns, particularly in relation to lighting and noise, with vessels moored in association with the operations of this development. This shall be convened and chaired by the Council's Ward Manager for Ward 5 or an appointed representative.

For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site (including construction) and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.

**Reason:** To effectively control the impacts of this development in the interests of amenity and traffic safety.

8. Operational noise arising from the development hereby approved shall at no time exceed the following limits as measured in the free field at any noise sensitive properties : -

Monday to Saturday 0700-1900      45dB LAeq 1hr

All other times                              42dB LAeq 1hr

For the avoidance of doubt these limits would apply to the cumulative noise from all activities covered by any approval and the existing and extended quarrying operation. These limits would not apply to works which are inaudible at any noise sensitive property.

For the avoidance of doubt there shall be no quarry operations on a Sunday except that required for essential maintenance where cumulative noise shall not exceed 42 dB L Aeq,1 hr at any noise sensitive property as specified above.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

9. During operational activities associated with this development, the use of high pitched tonal reversing alarms, audible at any noise sensitive property, is prohibited. The exception to this requirement would be delivery vehicles and similar brief on site activities.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

10. No development shall commence until an updated and detailed method statement for the blasting operations and activity has been submitted for written approval of the Planning Authority in consultation with Environmental Health. All subsequent blasting shall take place in accordance with this scheme as subsequently approved. A programme of blast monitoring shall be implemented in accordance with the approved details.

**Reason:** In the interests of amenity.



11. In connection with blasting activity referred to above, the following shall be complied with:

- to protect the marine aquatic environment ground vibrations shall not exceed a peak velocity of 13mms-1 in 50% of all blasts measured over any period of 6 months - as measured on the shoreline.

- to protect inhabited property, ground vibration shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over a period of 6 months and no individual blast shall exceed a peak velocity of 12mms-1 as measured at vibration sensitive buildings.

Unless otherwise agreed in writing with the Planning Authority in consultation with Community Services Environmental Health.

**Reason:** In the interests of amenity and safety.

12. No development shall commence until a scheme for monitoring noise from decommissioning operations is submitted to, and agreed in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented and remain in force through the operational life of the proposed development.

Within six months of the first marine structure being decommissioned on the site, a report that compares the predicted effects contained with the Noise Assessment submitted in support of this application and identifies any further mitigation deemed necessary to protect sensitive receptors, including a programme for implementation, shall be submitted to, and agreed in writing by, the Planning Authority. Any agreed mitigation shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from operational noise that was not predicted.

13. No development shall commence until an updated Schedule of Mitigation has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, Scottish Environmental Protection Agency and Marine Scotland. The document shall include provision for:

a) An updated Schedule of Mitigation (SM) including all mitigation identified in the Environmental Impact Assessment Report, any other supporting information submitted in support of the application and any additional mitigation otherwise included as conditions on this planning permission;

b) A timetable for the implementation of each element of mitigation;

c) Processes to control / action changes from the agreed Schedule of Mitigation.

Thereafter all mitigation identified in the approved document shall be implemented in full in accordance with the timescales included in the schedule of mitigation.

**Reason:** to ensure the delivery of required mitigation to ensure the impacts of the proposed development on the receiving environment are managed.

14. No development shall commence until a Biosecurity Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The Biosecurity Plan shall address, among other matters, the potential introduction pathway for marine non-native species.

Thereafter the approved Biosecurity Plan shall be implemented prior to the decommissioning of any marine structures (including shipping vessels).

**Reason:** To ensure biosecurity in relation to the marine environment is appropriately managed.

15. No development shall commence until a practicable Workforce Travel Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall detail the following measures:

- a) The name and contact details of an appointed Travel Plan Co-ordinator;
- b) Details for the provision and installation of Electric Vehicle infrastructure;
- c) The proposed objectives and targets for staff travel, including targets to reduce access being taken to the development by staff and visitors in private cars, encourage practicable access options to the development by sustainable and active transport and for avoiding parking overspill onto the adjacent public roads;
- d) Details of measures to be taken to meet the proposed targets;
- e) Details of monitoring that will be undertaken to measure the success of the Travel Plan against the approved targets;
- f) Details of the reporting of the monitoring of the Workforce Travel Plan, which shall be annually from the date of the first use of the development as a location to decommission marine structures. This report shall include details of any further mitigation measures required to ensure the targets in the Workforce Travel Plan can be met.

Thereafter the Workforce Travel Plan shall be implemented in accordance with terms specified along with the installation of the Electric Vehicle infrastructure.

**Reason:** To reduce the reliance on private cars and encourage modal shift to sustainable and active transport.

16. No development shall commence until an updated operational Traffic Assessment and Traffic Management Plan shall be submitted and approved in writing by the Planning Authority. The plan shall include but not be limited to:

- a) Methodology for the updated traffic assessment;
- b) Construction and Operational Vehicle Routing;
- c) Details of the information scheme for HGV drivers;
- d) Details of directional signage;
- e) A scheme for the timing of traffic movements (inclusive of deliveries and removal of waste);
- f) A scheme for breakdown recovery;

- g) Details of wheel washing facilities to ensure no detritus is brought onto the local road network;
- h) Procedures and a scheme for review of the Traffic Management Plan, at intervals of no less than every 1 year from the first use of the extended dry dock. The review shall include a comparison of the forecast development traffic against HGV logs and traffic surveys. Following each annual review, if required by the Planning Authority, a revised Traffic Management Plan with associated mitigation measures shall be submitted for the written approval of the Planning Authority. Any mitigation identified shall be delivered within 6 months of the approval of any revised Traffic Management Plan.

Thereafter the operation shall proceed in accordance with the approved Traffic Management Plan, or revised Traffic Management Plan which may be approved following an annual review, in perpetuity.

**Reason:** To ensure that operational traffic is managed in a manner which would avoid adverse impacts on the free flow and structure of the local road network.

17. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with NatureScot, SEPA and other relevant Council Services. The CEMP should include information on the following matters: -

- i. Environmental Policy - Statement of responsibility for all environmental features, safeguards and mitigation;
- ii. Appointment and scope of work for an Ecological Clerk of Works (ECoW) who shall have responsibility for monitoring compliance with the provisions of the approved CEMP, has stop the job powers there is a breach of environmental protection measures and legislation and who shall report all breaches of the approved CEMP to the Planning Authority at agreed timescales;
- iii. Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks;
- iv. Details of temporary site compounds for storage of materials and machinery;
- v. Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal.
- vi. Dust management;
- vii. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway;
- viii. Disposal arrangements of surplus materials;
- ix. Post construction restoration / reinstatement of the temporary working areas;
- x. Dust management plan; and
- xi. Construction Noise Management Plan.

Construction of the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority.

**Reason:** To protect the environment during the construction period.

18. Unless otherwise agreed in writing by the Planning Authority, all excavation works will be undertaken when the dry dock is dry.

For the avoidance of doubt all excavated material will be used within the site.

**Reason:** To ensure that the construction of the dry dock extension is carried out appropriately and does not have an adverse effect on the environment.

19. No development shall commence until a scheme for protection and enhancement of the local road network to support the construction and operation of the proposed development has been submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority. For the avoidance of doubt the scheme shall include:

- i. delivery of two upgraded passing places to be delivered prior to commencement of development;
- ii. an assessment of the impact of the proposed development on the local road network between the site access and Strathcarron. This shall include an assessment of traffic management requirements (including passing places) the structural integrity of structures on the local road network, in consultation with the Roads Authority, supported by a pre-construction video survey, and identify any mitigation which may be required to mitigate the construction and operational impacts of the proposed development to ensure the safety and free flow of the local road network. The mitigation required shall be delivered prior to first use of the dry dock extension for any of the permitted uses;
- iii. install traffic counters at the port access junction and on the public road between the site access and Strathcarron and provide the data to the Roads Authority to allow ongoing monitoring of the traffic generation at the proposed development.
- iv. a mechanism for funding of improvements, the scope of which shall be agreed between the applicant and the Planning Authority, between the site access and Strathcarron for the benefit of all road users. The mechanism shall be prepared through liaison between the applicant, The Highland Council and other interested parties. The mechanism shall be submitted for the written approval of the Planning Authority prior to the commencement of first use of the extended dry dock.

Thereafter the scheme shall be implemented in full in accordance with the timescales set out above.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **REASONED CONCLUSION**

The Council's assessment of the information presented within the EIA Report and other environmental information in relation to the development is contained within the Report of Handling. It is considered that the development will not have any significant impacts on the environment.

The Council is satisfied that this reasoned conclusion is still up to date.

The Council is satisfied that other effects/issues can be addressed by way of mitigation. A detailed description of the proposed mitigation is contained within the EIA Report and the Report of Handling. Monitoring is secured through conditions 1, 12, 13, 14, 15, 16 and 17.

All documents can be viewed online at <https://wam.highland.gov.uk/wam/> and searching using the case reference number.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development)

must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Environmental Impact Assessment**

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

### **Contaminated Land**

There is potential for contamination at this site due to its use as an Engineering Port and Dock. As the proposed development would not appear to materially change the risk of potential contamination at the site, an investigation is not required at this stage. However, please be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition, land contamination issues may affect property value. Should you wish to discuss potential contaminations issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Marine Scotland**

You are advised that this development may require separate consent from Marine Scotland. To apply for a marine license, or to amend details of an existing marine license, please visit Scottish Government's website at <https://www.gov.scot/policies/marine-and-fisheries-licensing/marine-licensing/> where application forms and guidance can be found. Alternatively, you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot); or calling 0300 244 5046.

### **Schedule 3 Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Scottish Environmental Protection Agency**

You are advised that this development may require separate consent from Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management – Highland  
Author: Claire Farmer, Planner – Strategic Projects Team  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - LOCATION PLAN 100  
Plan 2 - SITE LAYOUT PLAN 101  
Plan 3 - INDICITIVE SECTION PLAN – SITE SECTIONS  
Plan 4 - LOCATION PLAN 55-01 REV 01  
Plan 5 - SITE LAYOUT PLAN 55-03 REV 02



## **Appendix 2: Appropriate Assessment**

Extension to dry dock and change of use of land to allow decommissioning of marine structures. Construction of access road.  
20/03541/FUL

### **CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES**

Beinn Bahn Special Area of Conservation  
Rassal Special Area of Conservation  
Inner Hebrides and The Minches Special Area of Conservation  
Collie Mhor Special Area of Conservation  
Loch Maree Complex Special Area of Conservation

The status of Beinn Bahn Special Area of Conservation, Rassal Special Area of Conservation, Inner Hebrides and Minches Special Area of Conservation, Collie Mhor Special Area of Conservation and Loch Maree Complex Special Area of Conservation) means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

The status of the Beinn Bahn Special Area of Conservation (SAC) and Loch Maree Complex Special Area of Conservation (SAC) under the EC Directive 92/43/EEC, the 'Habitats Directive' means that the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), and, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply, as Scottish Planning Policy 2014 (para 210) requires proposed SACs to have the same level of protection as designated ones.

This means that where the conclusion reached by the Planning Authority on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Planning Authority, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

### **Screening in Likely Significant Effects**

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

The proposed development has the potential to have a likely significant effect on the qualifying interests. The Planning Authority is therefore required to undertake an appropriate assessment of the implications of the proposal on the above named SACs. The qualifying features which it is considered would be impacted are otters that lies within connectivity distance to Loch Maree Complex SAC.

Due to the nature of the proposal and the distance from the following relevant SPA or SAC, there are unlikely to be any significant adverse effects on the qualifying features of the Beinn Bahn Special Area of Conservation, Rassal Special Area of Conservation, Inner Hebrides and Minches Special Area of Conservation and Collie Mhor Special Area of Conservation therefore they are hereby screened out and therefore do not require any further consideration.

Furthermore, NatureScot have not provided any comments on Loch Maree Complex SAC, therefore it is concluded that there are unlikely to be any significant effects on qualifying features from this proposal and can be screened out.

### **APPROPRIATE ASSESSMENT**

While the responsibility to carry out the Appropriate Assessment rests with the Planning Authority, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot.

### **Appraisal Summary**

In its response to the Planning Authority, NatureScot advised that the proposal is likely to have a significant effect on the Beinn Bahn Special Area of Conservation. The main risk relate to potential for pollution into Loch Kishorn. The applicant clarified and outlined their biosecurity measures that the operator will have in place to reduce the spread of non-native species. This approach was supported by of the Council's Coastal Planner as the application conforms with Scottish National Marine Plan policy GEN 10 Invasive non-native species. Further mitigation includes all construction works being undertaken when the existing dock is dry. This will reduce the risk of pollution and ensure that there is no connectivity with the seawater outwith and by extension to the SAC.

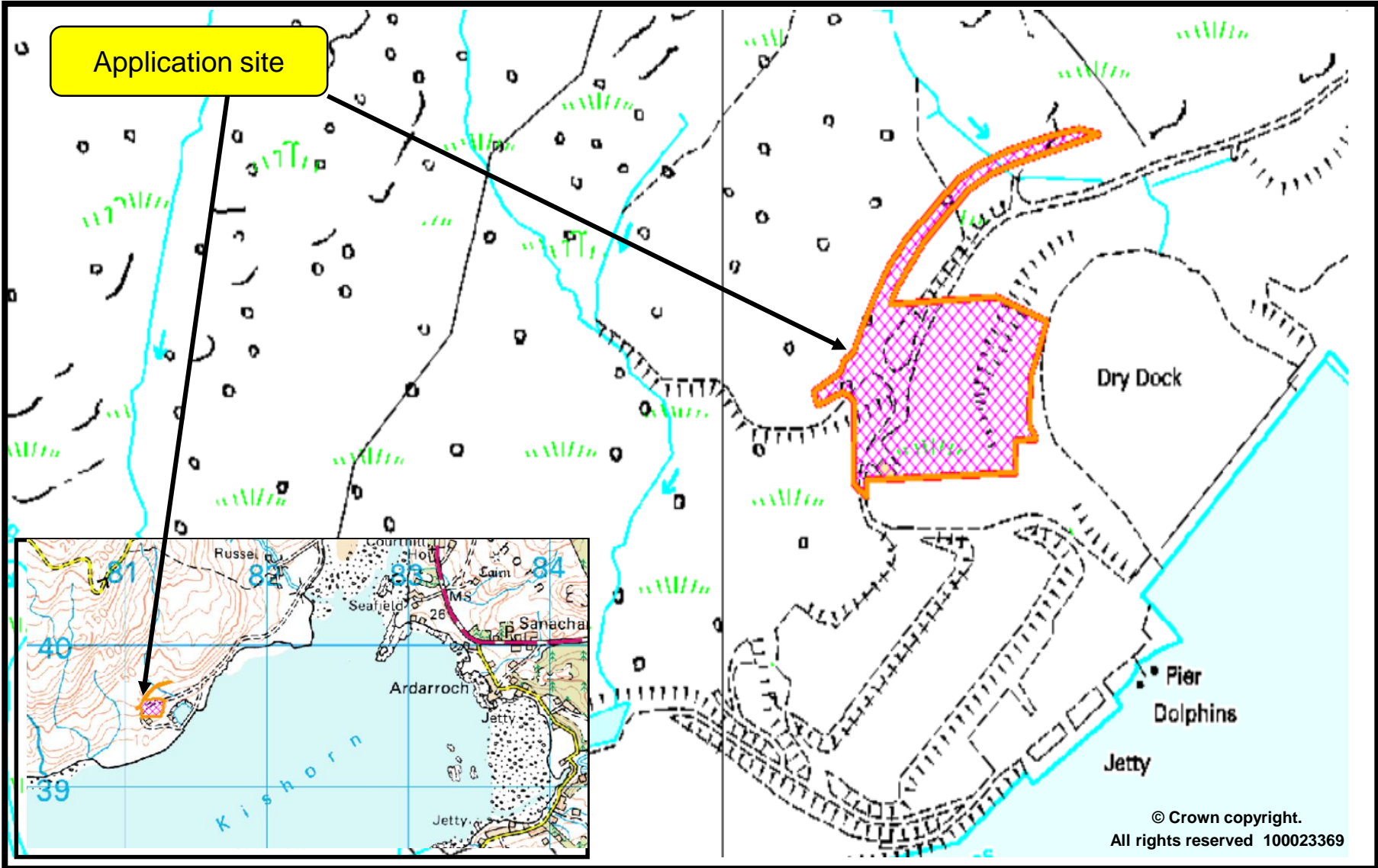
It is concluded that the proposed mitigation will reduce the risk of pollution which may be connected to this Special Area of Conservation and will therefore not adversely affect the integrity of the Beinn Bahn Special Area of Conservation.

### **HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Beinn Bahn Special Area of Conservation are considered in terms of the different components of the development which may impact on the qualifying interests, i.e. the construction phase; operational phase and the decommissioning phase. The mitigation proposed by NatureScot should be sufficient to address any significant risk. Although the Beinn Bahn Special Area of Conservation is designated for many important habitats, NatureScot advise that the mitigation identified for the Beinn Bahn Special Area of Conservation will also reduce potential impacts to Kishorn Loch. Overall, it can therefore be concluded that there will be no adverse effect on site integrity of the Beinn Bahn Special Area of Conservation.

Application site



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The Highland Council  
Comhairle na Gàidhealtachd

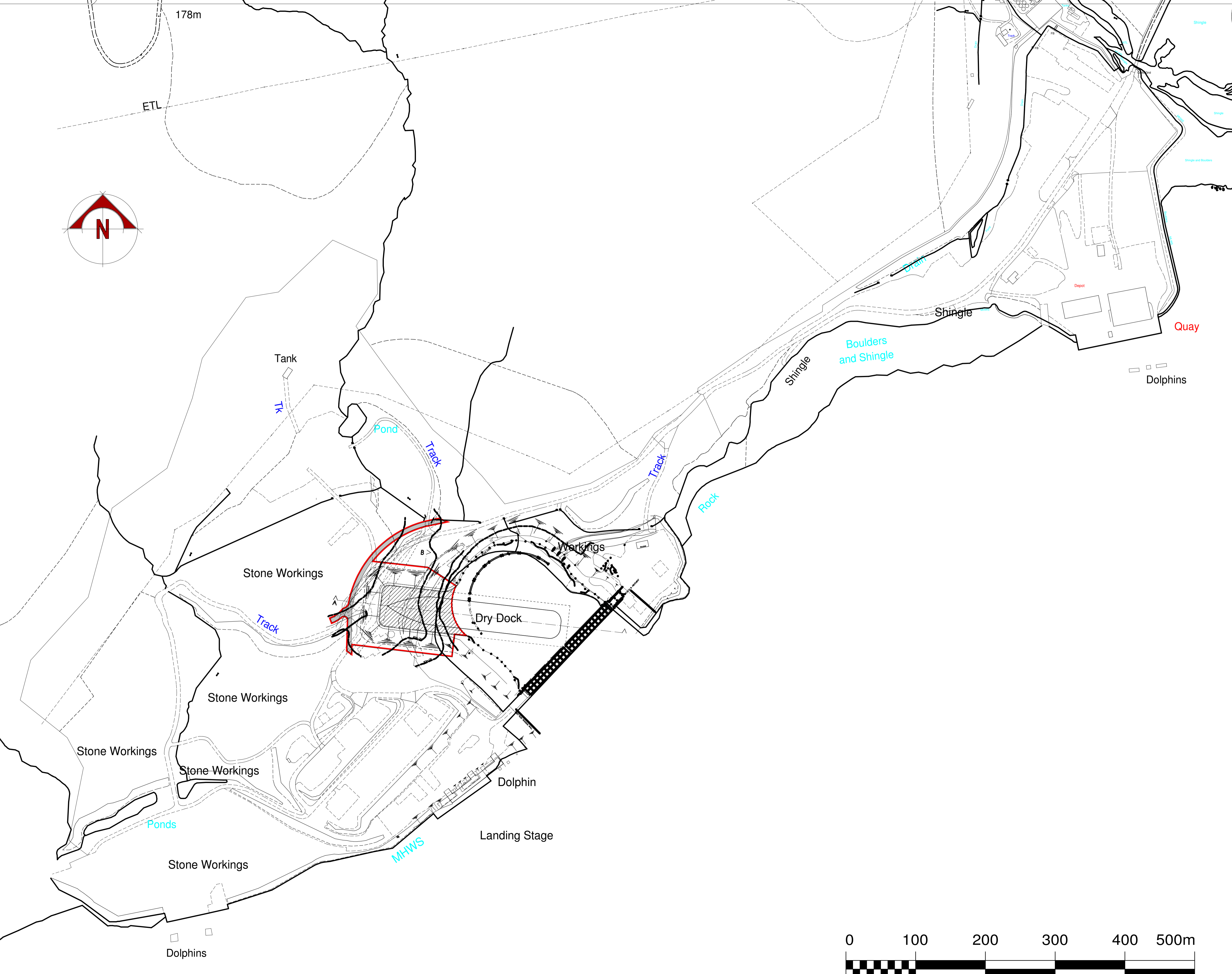
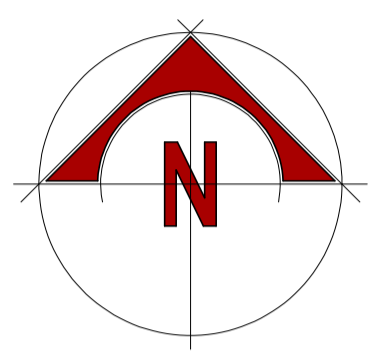
Planning and Development Service

Case No: 20/03541/FUL

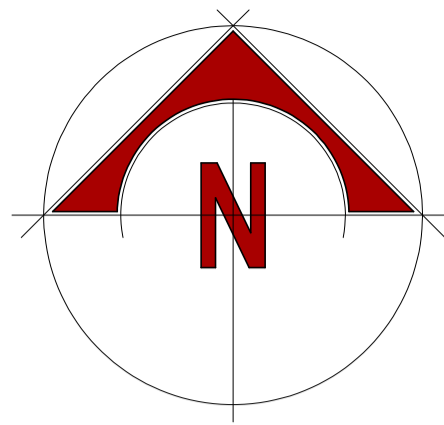
Extension to dry dock and change of use of land to allow decommissioning of marine structures. Construction of access road

20th April 2021

Note  
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.  
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project	PROPOSED EXTENSION TO DRY DOCK, KISHORN		
client	KISHORN PORT LTD.		
detail	LOCATION PLAN		
 <b>DKD</b> D KELLY DESIGN Architectural Consultant Queen Anne House • 111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888			
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job no.	20/026	drg no.	100
		drawn	D. KELLY

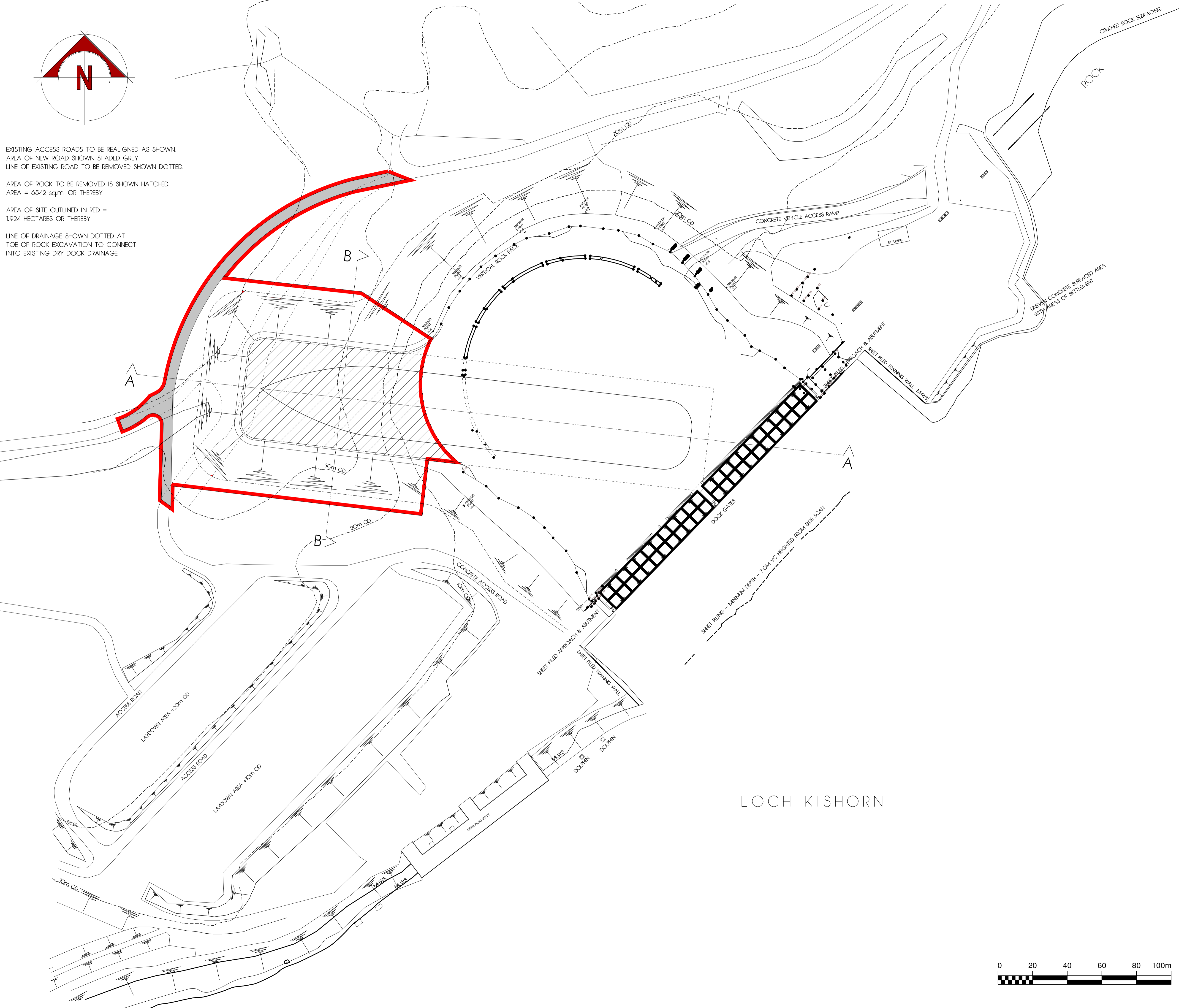


EXISTING ACCESS ROADS TO BE REALIGNED AS SHOWN  
 AREA OF NEW ROAD SHOWN SHADED GREY  
 LINE OF EXISTING ROAD TO BE REMOVED SHOWN DOTTED.

AREA OF ROCK TO BE REMOVED IS SHOWN HATCHED.  
 AREA = 6542 sqm. OR THEREBY

AREA OF SITE OUTLINED IN RED =  
 1.924 HECTARES OR THEREBY

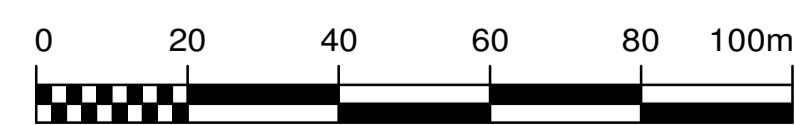
LINE OF DRAINAGE SHOWN DOTTED AT  
 TOE OF ROCK EXCAVATION TO CONNECT  
 INTO EXISTING DRY DOCK DRAINAGE

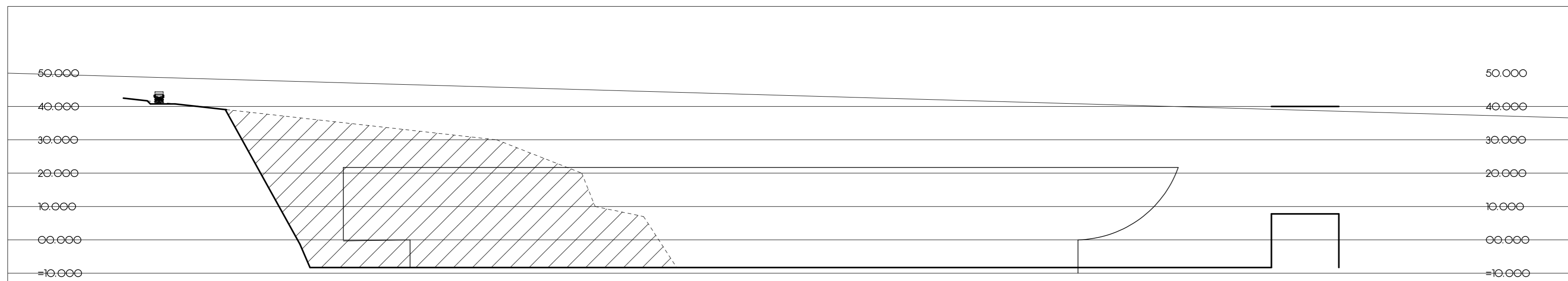


LOCH KISHORN

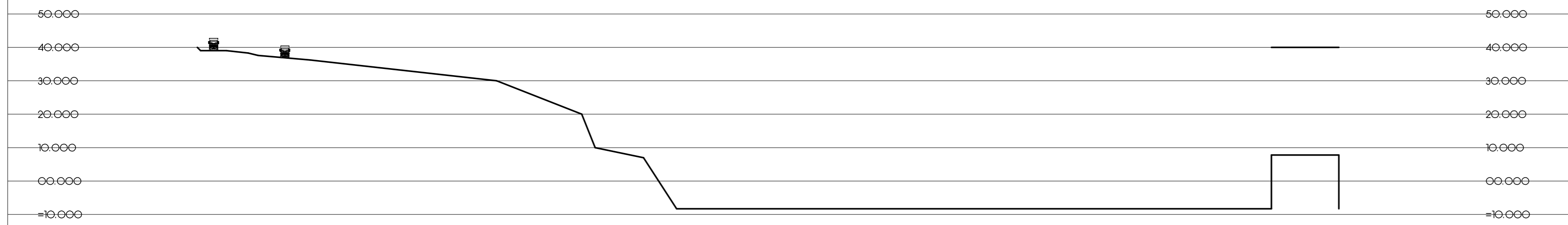
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project	PROPOSED EXTENSION TO DRY DOCK, KISHORN		
client	KISHORN PORT LTD.		
detail	SITE PLAN		
 <b>D KELLY DESIGN</b> Architectural Consultant			
Queen Anne House • 111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888			
scale	1:1000	date	02/06/20
job no.	20/026	drg no.	101
		drawn	D. KELLY





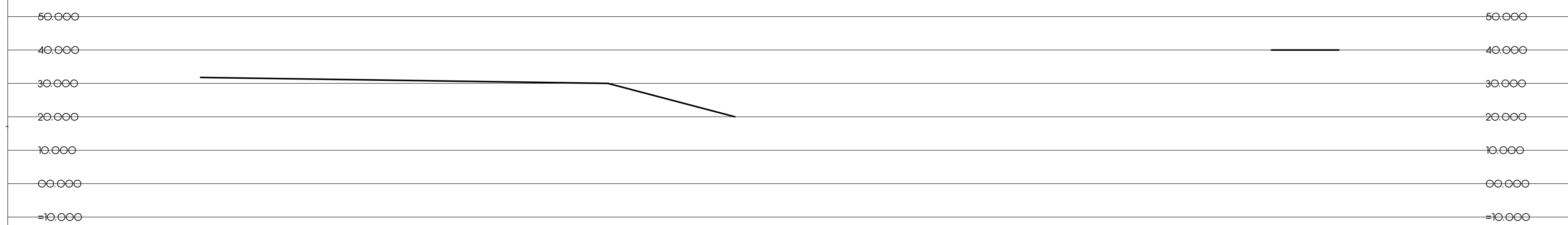
SECTION AA INDICATIVE



SECTION AA AS EXISTING

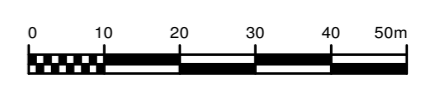


SECTION BB INDICATIVE



SECTION BB AS EXISTING

Note  
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project	PROPOSED EXTENSION TO DRY DOCK, KISHORN	
client	KISHORN PORT LTD.	
detail	SITE SECTIONS	
 <b>D KELLY DESIGN</b> Architectural Consultant  Queen Anne House • 111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888		
scale	1: 1000	date 02: 06: 20
job no.	20/026	drg no. 102
		drawn D. KELLY

Registered Office:  
Lochview Office, Loch Duntelchaig  
Farr, Inverness, IV2 6AW

Telephone: 01808 521 498  
Email: [info@affriclimited.co.uk](mailto:info@affriclimited.co.uk)  
[www.affriclimited.co.uk](http://www.affriclimited.co.uk)

Title: Drawing 55/01 Kishorn Location.

Projection: OSGB 1936/British National  
Grid EPSG: 27700





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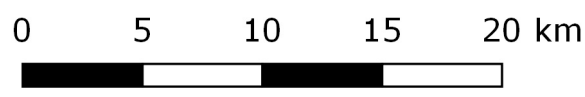
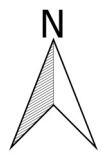
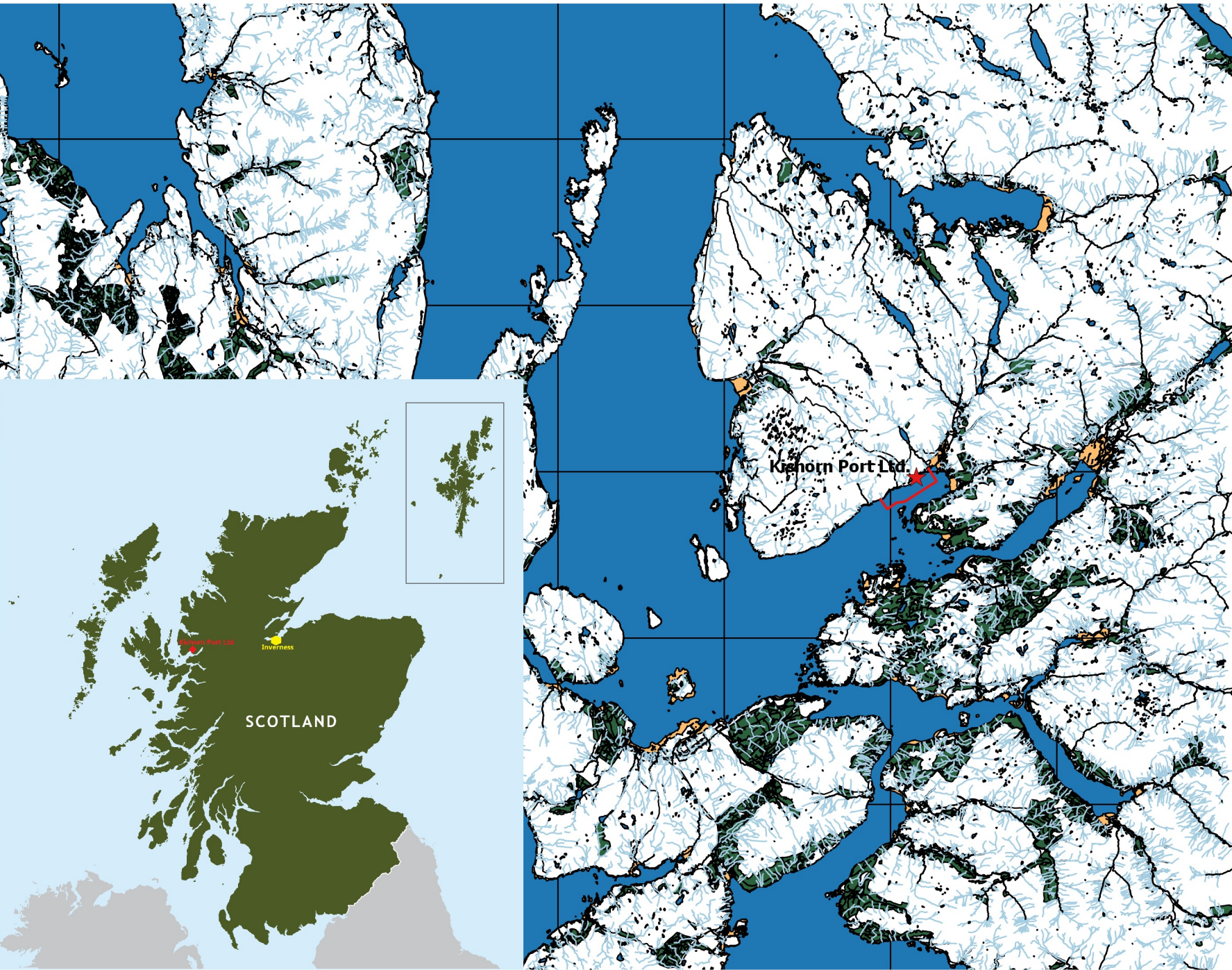
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Page 1	Rev No: 1	Drawing Date: 16/08/2019
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**Legend**

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





Registered Office:  
Lochview Office, Loch Duntelchaig  
Farr, Inverness, IV2 6AW

Telephone: 01808 521 498  
Email: info@affriclimited.co.uk  
www.affriclimited.co.uk

Title: Drawing 55-03 Designated Sites

Projection: OSGB 1936/British National  
Grid EPSG: 27700

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Page 1	Rev No: 2	Drawing Date: 20/08/2019
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Drawn by: Innes Beaton

**Legend**

- Kishorn Location
- KPL Crown Estate Lease 17/10/2016
- 10 Km Buffer
- Marine Protected Area (MPA)
- Special Area Conservation (SAC)
- Site of Special Scientific Interest (SSSI)
- Area 6 Boundary
- Area 7 Boundary
- Foreshore
- Fresh Water
- Rivers & Streams
- Roads
- Tidal Water
- Woodland

