

Consultation Responses

Historic Environment Scotland Responses



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By email to:

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T: [REDACTED]

Our case ID: 300047208
Your ref: EIS 00010432
04 December 2023

Dear Marine Scotland

Marine (Scotland) Act 2010

Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona
Statutory Designation: Iona Nunnery, St Mary's Abbey, Iona, monastic settlement
Designation Reference: SM90350, SM12968

Thank you for your email consultation of 8 November requesting our comments on this Marine Licence application. We have reviewed the consultation in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas. We also provide advice in relation to undesignated historic marine assets.

The proposed development consists of a new rock armour breakwater and dredging, the latter subject to a separate marine licence. Berthing piles that were included within initial planning for the development are not now to be constructed. The breakwater will have a crest length of about 185m and an overall footprint of about 2.18ha.

Setting impact on St Mary's Abbey and Iona Nunnery

We noted in our response (dated 10 November 2020) to the related planning application for this development that the impact on setting did not, in our view, raise issues of national significance with regard to these scheduled monuments.

Impact on undesignated marine assets

While a series of maritime losses have been recorded in the vicinity of Iona (e.g. Canmore IDs 294416-18, 220549, 325236) there is no indication that any of these foundered in the vicinity of the proposed development at Port nam Mairtir. Geotechnical coring has also indicated that the soft deposits on the seabed are sands and clays and this information, combined with the exposed situation of the area, mitigate against the



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likely survival of significant paleo-environmental deposits. A requirement to carry out any pre-development or assessment, or subsequent mitigation, would not be proportionate in this case. [REDACTED]

Please contact us if you any questions about this response.

Yours faithfully

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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T: [REDACTED]

Our case ID: 300069343
Your ref: EIS 00010433
28 November 2023

Dear Marine Scotland

[Marine \(Scotland\) Act 2010](#)

[Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona](#)

Thank you for your email consultation of 08 November requesting our comments on this Marine Licence application. We have reviewed the consultation in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas. We also provide advice in relation to undesignated historic marine assets or deposits.

Proposed capital dredging

We understand that it is proposed to carry out a capital dredge to the NE of the existing slipways at Iona. The dredge will cover an area of 2,015m² with a removal volume of 1,225m³.

There are no designated or undesignated assets recorded within the dredge area. Given the exposed nature of the coastline, the absence of recorded maritime casualties, and the sand/clay character of the sediments, we are satisfied that the likelihood of significant impacts to unknown marine assets or paleo-environmental remains is low. A requirement to carry out any pre-development or assessment, or subsequent mitigation, would not be proportionate in this case.

Sediment dispersal

We note that the majority of the dredged material will be deposited at an authorised disposal site at Portnahaven, off the SW coast of Islay. We have no comments to make with regard to sediment dispersal.

Please contact us if you have any questions about this response.

Yours faithfully

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

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NatureScot Responses

By email: MD.MarineLicensing@gov.scot

24 January 2024

Your ref: EIS 00010433 & EIS 00010432

Our ref: A4382377

Dear Luke Frissing

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona.

EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona

Thank you for consulting us on the above marine license applications dated 8th Nov 2023 and for granting us an extension for our response. These applications are for works associated with the formation of a new breakwater to serve the Iona to Fionnphort ferry. The proposed breakwater is 70m south of Iona ferry pier and slipway. It is required in order to reduce the number of ferry cancelations caused by poor weather conditions. These applications are specifically for the Iona side of the project.

A similar breakwater proposal is anticipated for Fionnphort where the ferry operates between Mull and Iona and is berthed overnight. This does not form part of these applications but requires consideration with respect to cumulative impacts.

This response is intended to address both applications, where part of our response and or advice relates to a specific application this will be detailed. We are currently also responding to the Argyll and Bute planning application for these works.

1 Summary

The proposal involves the construction of a rock armour breakwater and capital dredging in the Sound of Iona which lies within The Sea of the Hebrides Nature Conservation Marine Protected Area (NC MPA) and the Inner Hebrides and the Minches Special Area of Conservation (SAC), along with dredging disposal at the open dredge disposal Site MA035 around 4km south of Portnahaven, off the coast of Islay. The proposal is also in an area of the Sound of Iona where Priority Marine Features (PMFs) are found.

1.1 Priority Marine Features (PMFs)

We advise that the proposal would have a **significant impact** on national status of the Seagrass PMF, but this can be prevented through mitigation and enhancement. **We therefore object to the proposal unless it is made subject to the following conditions outlined below and detailed in Annex A.**

- **During construction phase, measures need to be made to limit impacts on seagrass beds to the footprint of the breakwater and dredge area and avoid wider disturbance to seagrass beds in the adjacent areas. These measures should be agreed with NatureScot prior to consent and secured via condition.**
- **Produce a Seagrass compensation and monitoring plan. This should be agreed with NatureScot prior to commencement of works.**

1.2 The Sea of the Hebrides Nature Conservation Marine Protected Area (NC MPA)

There are natural heritage interests of national importance on the site which could be affected by this proposal, but in our view, there is **no significant risk** of hindering the achievement of the conservation objectives. However, we recommend mitigation **outlined in our appraisal below and detailed in Annex B.**

1.3 Inner Hebrides and the Minches Special Area of Conservation (SAC)

There are natural heritage interests of international importance on the site in relation to The Inner Hebrides and the Minches SAC, **but our advice is that these will not be adversely affected by the proposal.** Further detail can be found in our appraisal below.

1.4 European Protected Species (EPS)

We advise that that if consented, a European Protected Species licence is applied for in respect of disturbance aspects only, for both the construction and dredging operations and any subsequent maintenance dredging operations for species detailed in our appraisal below.

1.5 Other considerations

In addition to the items above we have made further comment on; Marine invasive non-native species and the requirement for a biosecurity plan, impact to Intertidal habitat and NPF4, Otter and Seals. Full details can be found in the appraisal below.

2 Background

On the 4 Dec 2020 we objected to the original planning application for the breakwater development (20/01499/PP and 20/01500/PP) as we required further information to assess the potential impacts to;

- Inner Hebrides and the Minches Special Area of Conservation (SAC) – Harbour Porpoise

- Priority Marine Feature (PMF) – Sea Grass
- European Protected Species (EPS) – Cetaceans

This information was submitted as part of a much more comprehensive planning application and the above marine licence applications in November 2023.

The breakwater will be comprised of rock armour and its footprint below MHWs will be approximately 1 Ha. The proposed development also includes the creation of a new navigation channel by the slipway, which will involve dredging an area of 2017m² to a depth of -3.0m CD (approximately 1,225m³ of dredge material). The Fionnphort development is expected to represent a breakwater and berth (approximately 0.5Ha) and a dredging area of 12000m² to a depth of -3.0m CD.

A jack up barge is also proposed to be used to aid the construction of the breakwater, this will be deployed in an area to the south of the proposed breakwater (Figure 1).

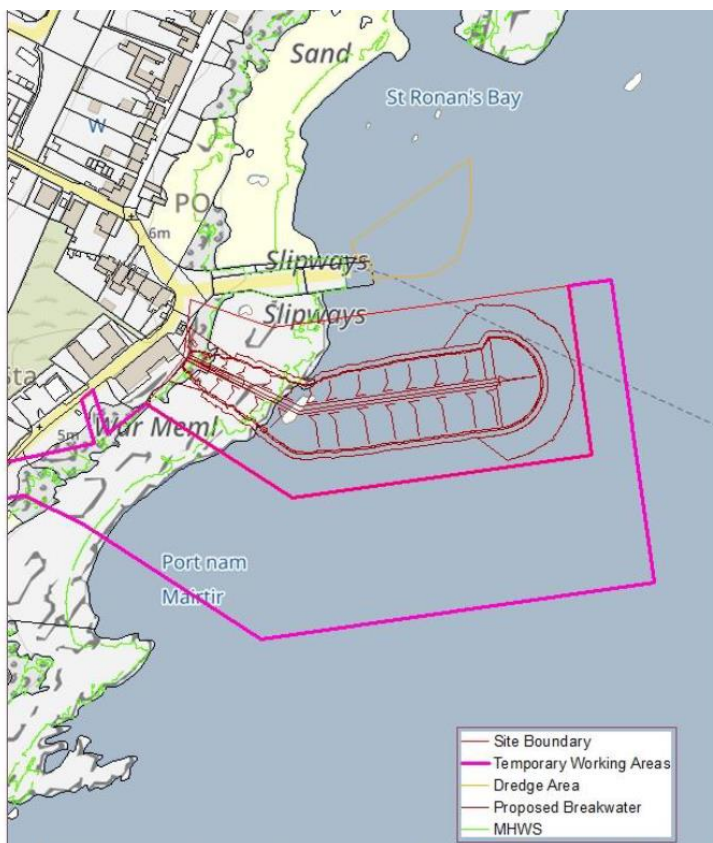


Figure 1 Proposed development and working areas (Source: EIAR)

The seabed within the footprint of the proposal is characterised by coarse sediment and fine sand and the priority marine features “Seagrass beds” and “Kelp and seaweed communities on sublittoral sediment”. The placement of material on the seabed for the breakwater will result in permanent loss of the underlying habitat seagrass beds.

3 Appraisal of the impacts of the proposal and advice

3.1 Priority marine Features PMFs

It is clear from the information presented the development will have a significant impact on both identified PMFs as a result of direct habitat, permanent loss from construction of the breakwater. Although not presented in the EIAR, from the information provided we estimate this habitat loss to equate to around 7000m² (70% of the development footprint - the remainder being in the intertidal zone). We would estimate this to be around 25% “Seagrass bed” of varying density and 75% “Kelp and seaweed communities on sublittoral sediment”.

Priority Marine features do not have legislative protection, but the basis for protection of their national status across Scottish waters is included in the National Marine Plan. The proposal will impact Priority Marine Features (PMFs). The relevant authorities (Argyll & Bute Council and Marine Directorate) should therefore consider the effect of the proposal on the PMF(s) before it can be consented.

The “Kelp and seaweed communities on sublittoral sediment” feature is commonly distributed throughout Scotland and the Argyll region, and it is considered the development will have no impact on the national or regional status of this PMF. **NatureScot concludes that the scale of the disturbance associated with the proposal does not raise issues of national interest for the “Kelp and seaweed communities on sublittoral sediment” feature.**

For seagrass beds the impact of the development is more pronounced. Coupled with habitat loss associated with the breakwater, significant disturbance is expected as a result of dredging and through vessel activity during construction, most notably the jack up barge leg deployment and anchor placement.

Seagrass beds (*Zostera* spp.) provide a number of ecosystem services making them of great ecological and human importance (e.g. fish nursery grounds, nutrient cycling, carbon sink, permanent habitat for important species). Seagrasses are OSPAR threatened and / or declining habitat and are in decline globally (Waycott et al., 2009). The decline of *Z. marina* in the UK has been estimated in the range of 25-49% between 1980 and the early 2000s (Hiscock et al., 2005). Historically, seagrass meadows in the UK suffered a major die-back due to a wasting disease, with at least 44% of the UK’s seagrasses lost since 1936 (Green et al., 2021).

Subtidal seagrass beds have been recorded mainly on the west coast and around Orkney and Shetland. In Argyll the largest subtidal seagrass beds are known in the Sound of Iona, Loch Sween, Loch Indaal and Loch Craignish. Sound of Iona has also been identified as a candidate PMF fisheries management¹ area because it is considered a nationally important area for seagrass outside of protected areas where it is a specifically designated feature. These management areas are currently in consideration by Marine Directorate as areas where there is a need to consider additional management for bottom contacting mobile fishing gears to ensure there is no significant impact on the national status of PMFs within the 6 nautical mile (NM) limit. Whilst this candidate management

¹ <https://marine.gov.scot/maps/1648>

area is not a consideration for this proposal it does highlight the importance of the area for the seagrass PMF in terms of national status.

The surveys carried out as part of the assessments of this development confirm the presence of seagrass of variable quality within the development area for Iona breakwater and the related development at Fionnphort. Observations in this survey also indicate the beds extend beyond the survey area.

The Argyll marine region is one of the most important regions for the national distribution of subtidal seagrass beds along with West Highland and the Outer Hebrides. Therefore, impacts on subtidal seagrass beds within this region may affect the regional and thus national status of the seagrass bed PMF feature. Considering the quantity of seagrass habitat that will be lost to the footprint of development and that potentially could be lost through disturbance we advise it should be concluded this development will have a significant impact on the national status of the feature. For reference the quantity of potential seagrass habitat estimated to be lost is detailed in **Annex 2** as part of the NC MPA assessment.

NatureScot advise that the proposal will have a significant impact on national status of the Seagrass PMF, but this can be prevented through mitigation and enhancement conditions. We therefore object to the proposal unless it is made subject to the following conditions outlined below.

- **During construction phase, measures need to be made to limit impacts on seagrass beds to the footprint of the breakwater and dredge area in order to avoid wider disturbance to seagrass beds in the adjacent areas and the Sound of Iona. These measures should be agreed with NatureScot prior to consent and secured via condition.**
- **Produce a Seagrass compensation and monitoring plan. This should be agreed with NatureScot prior to commencement of works.**

It is for the relevant authority to determine, within the context of its own policies, whether conditions are necessary to secure the mitigation set out above.

Annex A contains further appraisal and details regarding these recommendations.

3.1.1 Specific advice on Mitigation

Regarding mitigation during the construction phase, we would welcome further discussion at the earliest opportunity with Argyll and Bute Council to determine the most effective and practical mitigation that can be achieved to reduce the impact of seagrass beds in the vicinity of the development. NatureScot recommends micro-siting by avoiding the placement of anchors and jack up barges legs within areas of seagrass beds. Where this cannot be avoided, surface abrasion should be limited to areas of low density of seagrass (<30% coverage).

Monitoring of seagrass within the development will provide a detailed assessment of the impacts of development on the seagrass feature. NatureScot's marine enhancement team can provide

advice on the seagrass compensation and monitoring plan. This includes exploring the possibility of transplanting rhizomes from the area to be impacted.

Initial inquiries to the enhancement team should be made via email to MARINE_ENHANCEMENT@nature.scot and should provide more information on proposed site location(s), primary project objectives, and timescales. This will allow us to provide initial advice on the consenting process and wider considerations that might be applicable. After this initial inquiry, we would suggest that the developer produces a proposal covering all elements within the project assessment form². Further information regarding these elements (e.g., site suitability) can be found within the associated guidance³.

We would also recommend reviewing the NatureScot seagrass restoration handbook⁴. This has been developed to support seagrass enhancement projects in Scotland and ensure beneficial environmental outcomes.

3.2 Sea of the Hebrides NC MPA

The proposal lies within the Sea of the Hebrides Nature Conservation Marine Protected Area (NC MPA), selected for its Basking shark, Minke whale, Fronts and a geodiversity feature, Marine Geomorphology of the Scottish Shelf Seabed (Inner Hebrides Carbonate Production Area). Further information can be found here <https://sitelink.nature.scot/site/10474>.

The site's status means that the requirements of the Marine (Scotland) Act 2010 apply. Consequently, Marine Directorate is required to consider the effect of the proposal on the NC MPA before it can be consented.

The benthic geodiversity feature of the Inner Hebrides NC MPA is the Inner Hebrides Carbonate Production Area IHCPA. This feature is characterised by sands and gravels with very high carbonate content and biogenic component habitats and is considered to be in favourable condition. The component biogenic habitats underpin key functions of the feature. One of these component biogenic habitats includes seagrass beds.

Seagrass beds will be significantly impacted as result of the development as described above in section 3.1 Priority marine Features. As Seagrass beds are a component feature of IHCPA, it is therefore concluded the development is capable of affecting the IHCPA feature other than insignificantly. Therefore an assessment has been carried out to determine whether or not there is significant risk of hindering the achievement of the conservation objectives of the IHCPA feature:

² Project assessment from - <https://www.nature.scot/doc/marine-and-coastal-enhancement-projects-scottish-inshore-waters-project-assessment-form>

³ <https://www.nature.scot/doc/marine-and-coastal-enhancement-projects-within-scottish-inshore-waters-guidance-scoping-proposal>

⁴ <https://www.nature.scot/doc/naturescot-research-report-1286-seagrass-restoration-scotland-handbook-and-guidance>

The Conservation Objectives of the Sea of the Hebrides MPA, are that the protected features, so far as already in favourable condition, remain in such condition;

“Favourable condition”, with respect to a feature of geomorphological interest, means that;

- a) its extent, component elements and integrity are maintained;
- b) its structure and functioning are unimpaired; and
- c) its surface remains sufficiently unobscured for the purposes of determining.

Based on the assessment which is detailed in **Annex B** we advise that the proposal is **capable of affecting, other than insignificantly, the IHCPA feature but there is no significant risk of hindering the achievement of the conservation objectives.**

The reason for determining this despite a clear significant impact on the component seagrass feature was due to seagrass being of secondary importance and the minor impact the development would cause to extent and function of the geodiversity feature as whole. Whilst seagrass provides extremely important functions in terms of carbon sequestration, sediment stabilisation, and the provision of habitat for other species, the geodiversity feature was designated primarily for its carbonate rich substrates and their importance for the production and supply of shell-rich sands to beaches and machair.

Due to the identified and significant impact to the seagrass we advise the mitigation proposed above for the PMF features is implemented to the additional benefit of the NC MPA.

We further advise that the proposed activities are not capable other than insignificantly of affecting the minke whale and basking shark features of the MPA for the reasons outlined below in respect of harbour porpoise for the SAC.

3.3 Inner Hebrides and the Minches Special Area of Conservation (SAC)

3.3.1 Capital Dredging and Sea Disposal marine licence (00010433)

The location of the breakwater and associated dredging activity, but not the sea disposal area lies within Inner Hebrides and the Minches Special Area of Conservation (SAC) and could impact harbour porpoise. Further information can be found here <https://sitelink.nature.scot/site/10508>.

The protected status of this site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the ‘Habitats Regulations’) apply. Consequently, Marine Directorate as the competent authority, is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements⁵.

⁵ The Habitats Directive and Habitats Regulations - <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

Our advice is that this proposal is **likely to have a significant effect** on harbour porpoise. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.

Our assessment of the proposal is that the activities associated with the dredging licence will **not have an adverse effect on site integrity** due to the localised, short term and nearshore nature of the dredging works. We have also considered the associated vessel movements (indicated as a maximum of 45) to the disposal site near Portnahaven, off Islay. As the disposal site is not located within the SAC we therefore advise that this activity will not have an adverse effect on site integrity due to this small number of transits and the greater extent of the SAC and other sea areas for the harbour porpoise to utilise during any temporary disturbance from vessel noise / presence.

3.3.2 Rock Armour Breakwater marine licence (00010432)

The location of the breakwater lies within Inner Hebrides and the Minches Special Area of Conservation (SAC) and could impact harbour porpoise.

The protected status of this site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply. Consequently, Marine Directorate as the competent authority, is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements⁶.

Our advice is that this proposal is **likely to have a significant effect** on harbour porpoise. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.

Our assessment of the proposal is that the activities associated with the breakwater will **not have an adverse effect on site integrity** due to the localised, short term and nearshore nature of the works. We have also considered the associated vessel movements both during construction and once operational. The developer has previously advised that these will not increase beyond current vessel movements and has therefore been scoped out and not considered further.

We advise that this proposed development will not have an adverse effect on site integrity due to the localised nature of this activity and short-term construction period.

3.4 Marine European Protected Species

3.4.1 Capital Dredging and Sea Disposal marine licence (00010433)

Dredging in the proposed dredge pocket will also result in noise from vessel activity, but is localised and temporary, even with a required annual maintenance dredging campaign. Dredging will also increase siltation rates and turbidity in the vicinity of the dredge pocket, both during and for a time

⁶ The Habitats Directive and Habitats Regulations - <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

after the dredging has occurred. This will be restricted close to dredge area due to the large particle size and small quantity of dredge material (based on the worst case scenario provided).

Sea disposal of dredge material is proposed at the open deposit site MA035 Portnahaven, off the coast of Islay. Disposal will require upto 45 vessel transits.

3.4.2 *Rock Armour Breakwater marine licence (00010432)*

The placement of material on the seabed for the breakwater will result in temporary construction noise causing potential disturbance / displacement to cetaceans. The increase in vessel traffic could also cause disturbance. There are anticipated to be 50 additional vessel movement with rock armour materials. The change in habitat is small-scale within the context of EPS management units and is therefore not considered further.

Construction of the breakwater is likely to result in underwater noise impacts. Underwater noise modelling has been undertaken by the applicants and we agree with the conclusions reached that permanent and temporary threshold shift in marine mammal hearing is unlikely based on the worst-case scenario. Both construction noise and vessel noise are however likely to act as a disturbing factor.

We advise that that if consented, a European Protected Species licence is applied for in respect of disturbance aspects only, for both the construction and dredging and any subsequent further maintenance dredging operations and includes the following species:

- Harbour porpoise
- Bottlenose dolphin
- Common dolphin
- White beaked dolphin
- Minke whale
- Killer whale

With the information provided to date it is unlikely that there will be an impact to favourable conservation status for any of the above species. The advice provided above is in respect of the harbour porpoise, the qualifying interest of Inner Hebrides and the Minches SAC and for the Sea of Hebrides NC MPA for minke whale and basking shark. We further advise the need for a basking shark licence during construction under the Wildlife and Countryside Act⁷.

3.5 Marine Invasive Non-Native Species and Biosecurity advice

A construction phase biosecurity plan for marine non-native species should be developed in line with best practice. This plan should mitigate the introduction and spread of marine invasive non-native species (mINNS) to and from the area and the impact this may have on the local marine environment including PMFs. There are no known records of mINNS in the Sound of Iona so spread to the area presents the most risk. Seagrass beds in particular are at risk from displacement from mINNS such as *Sargassum muticum*. As no operational change is expected as a result of the

⁷ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/birds-directive-and-wildlife-and-countryside-act-1981>

development, it is proportional that the biosecurity plan should only consider the construction phase of the harbour.

It has been stated in the EIAR that an Invasive and Non-Native Species (INNS) Management Plan (/biosecurity plan) will be produced. This is welcomed but should be agreed with NatureScot and Marine Directorate prior to consent.

The following guidance documents can be used to aid production of a biosecurity plan:

- Marine Biosecurity Planning Guidance for producing site and operation-based plans for preventing the introduction of non-native species . <https://www.clydemarineplan.scot/wp-content/uploads/2016/05/Guidance-Biosecurity-Planning.pdf>
- Marine biosecurity planning – Identification of best practice: A review: NatureScot Commissioned Report No. 748. <https://www.nature.scot/doc/naturescot-commissioned-report-748-marine-biosecurity-planning-identification-best-practice-review>
- Current records of mINNS in Scotland: <https://lists.nbnatlas.org/speciesListItem/list/dr2816>

3.6 Intertidal Habitat and NPF4

The intertidal area in the vicinity of the development consists of high to moderate energy littoral rock shore and sand/muddy sand. In the footprint of the rock armour, biotopes include rocky substrate with fucoids, kelp and patches of exposed rock and shingle. Of the 1Ha breakwater approximately 0.3Ha represents the intertidal zone which will be irreversibly changed as result of the development. This figure is estimated from technical drawings and has not been explicitly provided in the EIAR.

Under NPF4 biodiversity policy 3b⁸, which is applies down to mean low water springs, there is a requirement to conserve and enhance biodiversity. EIA proposals need to demonstrate that negative effects should be fully mitigated, and significant biodiversity enhancements are provided.

The rock armour itself will create rocky intertidal habitat that will have niches for fucoids and kelp to recolonise, although this is unlikely to represent like for like habitat for what will be lost. The addition of subtidal seagrass restoration as part of the mitigation plan would complement this intertidal habitat creation to potentially achieve a positive effect for biodiversity as a result of the development.

When consulted on a seagrass restoration plan, it is possible that NatureScot will recommend enhancement projects are carried out offsite if positive effects cannot be delivered on-site alone or if significantly better outcomes for biodiversity enhancement can be achieved elsewhere.

⁸ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf>

3.7 Seal Species and other marine mammals.

We advise that there will be no significant effects to seals from these proposed works and that we agree that seals SACs can be screened out from further HRA assessment.

We agree with the overall assessment of effects on marine mammals as identified in table 8-18 of the EIA Report and the conclusions reached in terms of no or negligible / minor significance of effects.

We welcome the intention of the applicant to produce the following mitigation measures:

- Construction and Environmental Management Plan (CEMP)

We recommend that within the CEMP consideration is given to good practice in vessel movement in proximity to sensitive species as advised in the Scottish Marine Wildlife Watching Code. In particular we recommend following the advice to reduce potential impacts to basking sharks which are less sensitive to noise and slower to take avoiding action ⁹.

3.8 Otter

The Habitats Regulations 1994 (as amended in Scotland) provides the protection given to European protected species of animals and plants. Otters are listed on Schedule 2 and are therefore a European protected species ¹⁰.

Although otters are known to be frequent in and around the coast of Mull the otter survey found no field signs of otter within 200m of the development area, potentially due to the present level of disturbance, as such it is unlikely that there will be any damage or significant disturbance caused to the otter during the construction phase. However, we welcome the mitigation proposed below and recommend it is followed to limit the potential impact to otters from the construction phase. In addition, we agree with the EIA report that any otters using habitat around the existing ferry terminal will be tolerant to disturbance and so the additional ferry services and activity at the new breakwater are unlikely to have a significant impact.

- Production of an Otter Species Protection Plan (see Volume III, Appendix 7.2 EIAR) and adherence to all recommendations made within.
- Production of a Construction and Environmental Management Plan (oCEMP).
- An Ecological Clerk of Works (ECoW) will be appointed to monitor the works in respect to otter activity.

⁹ <https://www.nature.scot/doc/scottish-marine-wildlife-watching-code-smwwc>

¹⁰ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-otters>

3.9 Other National Marine Plan considerations

There are a number of other relevant policies in the National Marine Plan¹¹ (NMP) that have been recognised as influential with respect to sensitive PMFs that are facing decline and that will be irreversibly impacted by a development or marine activity.

In the case of Yinstay East fish farm planning application, the application was refused by the competent authority on the basis of GEN 9(b) because they felt the development would have had a significant impact on the national status of the maerl PMF. However in the appeal of refusal (ENVC-003-10), the reporter determined that significant impact on national status could not be concluded because the loss of a small percentage of the feature in one location could not constitute a significant impact on national status, even when the region in question (Orkney) was deemed to be a stronghold for the feature in Scotland. The appeal was however dismissed on the grounds of the policies listed below and not on the grounds of Policy 9(b).

- GEN 9(c) on protecting and where appropriate enhancing the health of marine area;
- GEN 5 on climate change dismissing the appeals would better mitigate, and adapt;
- GEN 19 on taking a precautionary approach where uncertainties exist
- GEN 1 re: sustainable development and in light of effects cannot be concluded sustainable
- Inconsistencies with high level strategic objectives of the National Marine Plan including Good Environmental Status

GEN 9(c) and GEN 5 are of particular note to NatureScot. Although not considered in development management guidance for PMFs we can take wider NMP policies into account in offering our advice and the Local Planning Authority will need to take NMP policies into account in making their consent decision.

GEN 9(c) says that development and use of the marine environment must protect and, where appropriate, enhance the health of the marine area. In the light of our conclusions as to the likely effects on seagrass beds we do not find that the marine environment would be protected.

GEN 5 Climate Change says that marine planners and decision makers must act in the way best calculated to mitigate, and to adapt to, climate change. Advising a development could proceed in a way that would remove and impact an important carbon sequestering habitat to a significant level without the potential for recovery would contradict the aims of this policy. A conditioned objection that requires a mitigation schedule for limiting the impact on seagrass and an enhancement plan is more consistent with this policy mitigate, and adapt to, climate change.

¹¹ <https://www.gov.scot/publications/scotlands-national-marine-plan/pages/5/>

4 Conclusion

We look forward to discussing the detail of the proposed mitigation and in the meantime if you require any further information relating to this response, please contact Sally Weaser on 0131 314 6785 or sally.weaser@nature.scot.

Yours sincerely,

David Maclennan

Head of Operations - West

Priority Marine Features

The developer has submitted a comprehensive survey of the intertidal and subtidal habitats in the vicinity of the development. The intertidal area contained no PMFs but the subtidal area included the following PMF habitats: **Kelp and seaweed communities on sublittoral sediment** and **Seagrass beds**. Both these PMF features are in the direct footprint of the breakwater and dredge pocket (Figure 8-5 of the EIAR). The seagrass beds detected were of a variable density (5%-100%) and largely confined to the nearer shore areas (Figure 16 – Seagrass survey report). The majority of beds detected were between 5-50% coverage/density (Table 7 of Seagrass survey report) and potentially around a half were considered to be in a favourable condition (>30%).

The placement of material on the seabed for the breakwater will result in permanent loss of both PMFs. These features are associated with sediment substrata rather than exposed rock. With the addition of hard substrate in the form of rock armour there is an element of habitat creation, however this would not support PMFs lost. We have estimated the subtidal habitat loss associated with breakwater construction to equate to around 0.7Ha (70% of the development footprint - the remainder being in the intertidal zone) and would estimate this to be around 25% “Seagrass bed” and 75% “Kelp and seaweed communities on sublittoral sediment” (estimate based on Figure 8-5 of the EIAR biotope map).

Dredging in the proposed dredge pocket will also result in the removal of these features. This will be temporary removal in the case of kelp and seaweed communities on sublittoral sediment because recovery is rapid for the majority of species that represent this feature. However, because dredging will be a recurring event (potentially annually), seagrass beds in the dredge area are not expected to recover due to the slow speed of their recovery, between 6 - 20 years ([FeAST](#), Neckles et al., 2005).

Dredging will also increase siltation rate and turbidity in the vicinity of the dredge pocket, both during and for a time after the dredging has occurred. This will be restricted close to the dredge area due to the large particle size and small quantity of dredge material. We agree with the conclusion of the EIAR that due to small dredge volume this is unlikely to result in heavy sediment deposition and turbidity to the degree that it would have a significant impact on the Kelp and seaweed communities on sublittoral sediment PMF. However, seagrasses are highly sensitive to light sedimentation events (up to 5cm) and heavy sedimentation events (5-30cm), with burial of 25% of the plant height resulting in a considerable degree of mortality (FeAST). Whilst seagrass is tolerant of short term increases in turbidity, due to the likelihood of increased sedimentation there is potential for degradation of this feature in the vicinity of the dredge pocket.

The seagrass PMF feature is also likely to be disturbed by the jack up barge and anchoring of vessels during construction. Trampling and surface abrasion of seagrass beds can damage rhizomes and remove plants which can lead to increased patchiness and destabilisation in the seagrass bed. During summer this could also lead to seeds in those areas being pushed too deeply into the sediment to germinate. The project is set to cover a full year therefore the disturbance from construction vessel activity will be prolonged around the breakwater site(s) and its subsequent recovery will potentially be impacted.

Seagrass beds take considerable time to re-establish and recovery depends mainly on vegetative growth of rhizomes from perennial beds rather than natural seedling production. There is the potential no recovery will occur if rhizomes are lost or damaged (d'Avack et al., 2014). Without mitigation we cannot be certain disturbance will not exceed this damage threshold where recovery will not occur. Fragmentation of the bed as result of habitat loss and disturbance pressures could compound impacts further through, less species diversity, sediment mobilisation and reduced recoverability (Kent et al. 2021).

NatureScot is aware of substantial declines in seagrass beds have been observed at Inverie pier, Knoydart in subsequent years after a pier and breakwater development (<https://naturescot.nexus.objective.co.uk/documents/A4386229/details>). At one survey site there had been a 90% loss of habitat. Abundance had declined from 202 plants m⁻² (2004) to just 15 plants m⁻² (2009). Similarly mean blade length has declined from 49cm to 29cm. The authors of the reports considered this to be constitute a change from one of the densest *Zostera marina* beds in Britain to a site that is on the verge of completely disappearing. This dramatic decrease in biomass since construction of Inverie pier is a key consideration here owing to the similarities of seagrass being present within the vicinity of the harbour development.

In order to mitigate the impacts on seagrass beds, the developer has proposed a "Seagrass Compensation and Monitoring Plan". NatureScot welcomes this proposal and notes the data provided from the intertidal and subtidal survey provides a good baseline for the development area. This data can be used to inform the monitoring plan and will be helpful in determining enhancement that is proportional to the impacts of the development.

Annex B

Sea of the Hebrides NC MPA – Inner Hebrides Carbonate Production Area

Full Appraisal - Is there a significant risk of hindering the achievement of the conservation objectives?

The Inner Hebrides Carbonate Production Area encompasses a large shelf area around the islands of Coll and Tiree and the west coast of Mull, including the Sound of Iona. This feature is characterised by sands and gravels with very high carbonate content and biogenic component habitats. The feature is associated with a number of component biogenic habitats that underpin key functions of the feature such as, carbon sequestration, nutrient cycling, sediment supply, sediment stabilisation and the provision of habitat for other species. Seagrass beds are considered to be one of these important biogenic habitats, along with carbonate producing maerl beds and horse mussel beds.

The Sound of Iona is a known stronghold for seagrass within the MPA and the survey results carried out by the developers confirms this. Other areas with notable seagrass beds include the Treshnish Isles and Traigh Bhain, to the south of Ulva (Mull). There are also records to south of Inch Kenneth (Dipper, 2016) and Ardchaivaig, Ross of Mull (GEMS Database).

The construction of hard artificial structure and the sand and gravel substrate will remove a proportion of this protected feature and biogenic component from the MPA. Dredging and on-going maintenance dredging will also likely lead to an area of seagrass bed that is unlikely to recover. This area represents 0.9Ha at Iona breakwater and cumulatively 2.6Ha when Fionnphort proposal is considered too.

Consequently the proposal is capable of affecting, 'other than insignificantly', the IHCPA feature.

Component habitat – Seagrass beds

Habitat loss

The placement of material on the seabed for the breakwater will result in permanent loss of sands and gravel and component seagrass beds. This component biogenic habitat is associated with sediment substrata rather than exposed rock so no recovery will occur in the footprint of the breakwater.

Dredging in the proposed dredge pocket will also result in the removal of component biogenic feature. Dredging will be a recurring event (potentially annually), seagrass beds in the dredge area are not expected to recover between dredging events due to the slow speed of their recovery, between 6 - 20years (FeAST, Neckles et al., 2005).

Disturbance – increased siltation

Dredging will also increase siltation rate and turbidity in the vicinity of the dredge pocket, both during and for a time after the dredging has occurred. This will be restricted close to the dredge area due to the large particle size and small quantity of dredge material. We agree with the conclusion of the EIAR that due to the small dredge volume this is unlikely to result in heavy sediment deposition and high levels of turbidity. However, seagrasses are highly sensitive of light

sedimentation events (up to 5cm) and heavy sedimentation events (5-30cm), with burial of 25% of the plant height resulting in a considerable degree of mortality (FeAST). Whilst seagrass is tolerant of short term increases in turbidity, due to the likelihood of increased sedimentation there is potential for degradation of this feature in the vicinity of the dredge pocket.

Disturbance – surface abrasion

The seagrass bed is also likely to be disturbed by the jack up barge and anchoring of vessels during construction. Trampling and surface abrasion of seagrass beds can damage rhizomes and remove plants which can lead to increased patchiness and destabilisation in the seagrass bed. During summer this could also lead to seeds in those areas being pushed too deeply into the sediment to germinate. The project is set to cover a full year therefore the disturbance related to construction vessel activity will be prolonged around the breakwater site(s) and its subsequent recovery will potentially be impacted.

Fragmentation

Fragmentation of the bed as result of habitat loss and disturbance pressures could compound impacts further through, less species diversity, sediment mobilisation and reduced recoverability (Kent et al. 2021).

Changes to hydrodynamics

Changes to water flow are expected but these are considered negligible or positive in terms of protection from storm events.

Conservation objectives

A. Conserve the features extent, component elements and integrity of the Marine Geomorphology of the Scottish Shelf Seabed feature

The area of sediment to be lost and disturbed is minor relative to the size of the whole feature which encompasses a large area. However when considering the seagrass bed on its own as one of the component biogenic habitats, the scale of impact has the potential to impact this conservation objective (Figure 1).

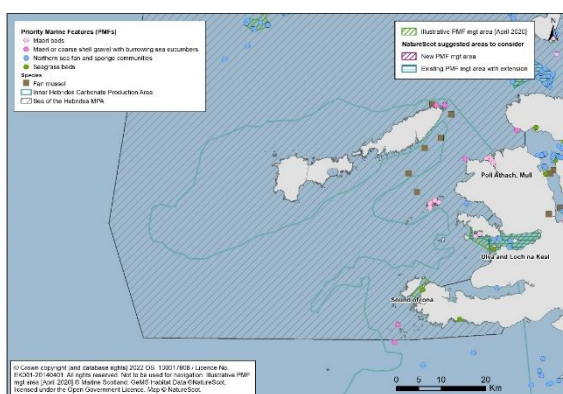


Figure 1 IHCPA area and PMF records

The Sound of Iona is an important area for seagrass beds in the Sea of the Hebrides MPA. A seagrass habitat suitability study by Huang (2021) shows the Sound of Iona to be the largest area of suitable habitat for seagrass within the MPA. This area has also been chosen as a candidate PMF fisheries management area for seagrass, currently in consideration for protection from bottom towed fishing gear.

Seagrass beds lost as result under the footprint of the development and in dredge area will not be able to recover, however, the proportion of seagrass beds affected by sedimentation outside of the dredge area and surface abrasion occurring during construction will have the potential to recover. Seagrass beds take considerable time to re-establish and recovery depends mainly on vegetative growth of rhizomes from perennial beds rather than natural seedling production. There is the potentially no recovery if rhizomes are lost or damaged (d’Avack et al., 2014). Without mitigation it we cannot be certain disturbance will not exceed this damage threshold and prevent recovery where it is possible.

The seagrass survey commissioned by the Argyll and Bute Council confirms its presence in the development area and aerial images from the survey indicate the beds extend along the coast. The seagrass beds detected were of a variable density (5%-100%) and largely confined to the nearer shore areas (Figure 2). The majority of beds detected were between 5-50% coverage/density (Table 7 of Seagrass survey report - A3585029) and potentially around a half were considered to be in a favourable condition (>30%).

Although not presented in the EIAR, from the information provided, I have estimated the subtidal habitat loss associated with breakwater construction to equate to around 0.7Ha (70% of the development footprint - the remainder being in the intertidal zone) and would estimate this to be around 25% “Seagrass bed” and 75% “Kelp and seaweed communities on sublittoral sediment” (estimate based on Figure 2 biotope map).

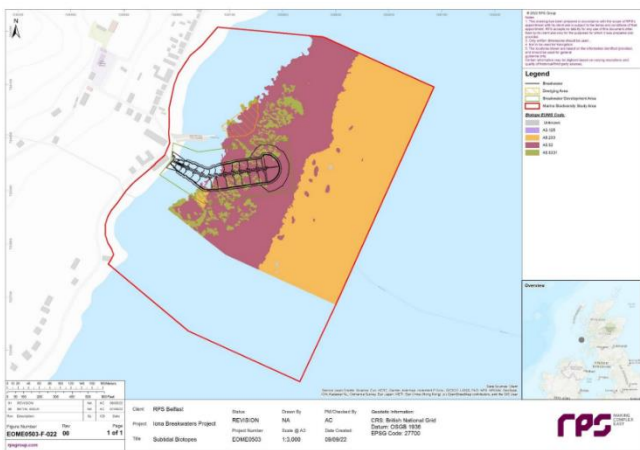


Figure 8-5: Subtidal biotopes classified within the Marine Biodiversity Study

Figure 2 Subtidal biotopes map from EIAR report – green patches represent Seagrass biotope EUNIS A5.3331

Based on a rudimentary assumption that the coverage of seagrass stretches equally along west and east coastline of the Sound of Iona and the coastline is around 12km in total. The length of coast where seagrass beds will be covered and disturbed is estimated to be 100m and 250m respectively. The seagrass bed lost as result of Iona breakwater construction could therefore represent approximately 1% of the total extent seagrass in the Sound of Iona. The total disturbance area (including breakwater, dredge area and construction zone) could represent approximately 2% of the total extent of seagrass in the Sound of Iona.

Slightly more habitat loss and disturbance can be expected from Fionnphort proposal. Therefore cumulatively, potentially up to 4-5% of seagrass beds in the Sound of Iona will be impacted by these developments.

The cumulatively impacted area is considered to be significant proportion of the Sound of Iona and the IHCPA as a whole. However, when considering the extent of the seagrass component feature disturbed relative to carbonate rich sediments and carbonate production as a whole the focus of the extent should be on these the sediments and biogenic habitats that contain and produce carbonate. Seagrass locks in carbonate rich sediments rather than supplies them, the extent of loss of seagrass in this case does not undermine the extent of the geodiversity feature as whole.

The proposal is therefore concluded to not significantly hinder the component features extent.

B. Conserve the structure and functioning of the feature so that they are unimpaired.

The scale of the breakwater in comparison to the Inner Hebrides Carbonate Production Area as whole means that there will be a negligible impact expected on the structure and function of the shelf carbonate system. There are also no significant changes to tidal flow and hydrodynamic regimes predicted that would cause widespread disruption of sediment supply.

As a component feature, seagrass beds do provide an important function in the carbonate area in terms of nutrient cycling, organic sediment supply, carbon storage, biomass production and the provision of habitat for other species. Throughout its life cycle seagrass produces silt and organic material that is buried in the sediment and contributes to the structure of the sediments. This mechanism represents an important carbon sink in Scotland. After saltmarsh habitats, seagrass beds have the second highest organic carbon sequestration rate of all habitats measured in Scotland, $67.9 \text{ g} \pm 32.39 \text{ OC/m}^2/\text{yr}$ (Cunningham and Hunt 2023).

The loss and disturbance of seagrass habitat will impair the functioning of this feature. However, the majority of high calcium carbonate sediment production comes from carbonate producing biogenic features such as maerl beds and horse mussel beds as well as other carbonate producing species that occupy the high carbonate sand and gravel substrate. Seagrass beds assist in locking down carbonate sediment with their root structures but the carbonate producing features are important to the function and structure of the carbonate area that is characterised by carbonate rich sediments because they supply them. The development does avoid carbonate producing habitats which are of primary functional importance with respect to the geodiversity feature. Therefore it cannot be concluded this conservation objective (b) is significantly hindered by the development proposal.

C. Conserve the surface of the feature so that it remains sufficiently unobscured for the purposes of determining whether the criteria in conservation objectives (a) and (b) are satisfied.

The impact on conservation objectives A) and B) have been assessed above.

References

Cunningham, C. and Hunt, C. 2023. Scottish Blue Carbon - a literature review of the current evidence for Scotland's blue carbon habitats. NatureScot Research Report 1326.

Dipper, F. 2016. (ed). Intertidal and sublittoral survey of islands within the Staffa Island group, Inner Hebrides. September 16-20, 2016. Porcupine Marine Natural History Society Field Trip Report. <http://pmnhs.co.uk/wp-content/uploads/2018/04/Staffa_Report_Final_SNH.pdf>

Huang, L. 2021. Subtidal Seagrass Bed Habitat Suitability in Scotland. University of Edinburgh MSc thesis.

Kent, F., Lilley, R., Unsworth, R., Cunningham, S., Begg, T., Boulcott, P., Jeorrett, C., Horsburgh, R. and Michelotti, M. 2021. Seagrass restoration in Scotland - handbook and guidance. NatureScot Research Report 1286.

From: Sally Weaser <Sally.Weaser@nature.scot>

Sent: Thursday, August 15, 2024 11:27 AM

To: Neil MacLeod <Neil.MacLeod3@gov.scot>

Subject: RE: 00010432 & 00010433 - Argyll & Bute Council - Breakwater Construction & Capital Dredging - Iona Ferry Terminal, Isle of Iona - PMF Advice Follow-up

Importance: High

Hi Neil,

Thank you for your time to discuss the situation with the proposed Iona breakwater and proposed conditions associated with the marine license required for the works. We've been looking at some more research around the genetics of seagrass, restoration techniques and success factors. This is an emerging field so a lot of the papers are as yet unpublished but there is a lot of work in this field that can guide us towards the best solutions for the best outcomes.

Genetic work suggests that gene flow connects populations over large geographic distances meaning that it would not be necessary to have the restoration/enhancement take place in the sound of Iona.

The other very real consideration is climate change. Restricting the mitigation work to the immediate area of the loss, whilst directly mitigating for that, may not be the best action for the future resilience of the PMF. For example we have taken this in to account when advising on the development of the SSEN fund - rather than doing all 14 ha of restoration in one place, we have been advising to aim to have a few smaller projects to help reduce risks of present and future total loss.

In addition there is some restoration guidance which is still in draft stage that discusses the importance of connectivity. *"Restoration planning should ideally take into account the connectivity among eelgrass beds within the region and anticipate potential shifts in connectivity over time (Berkström et al. 2022). Given the evolving climate conditions, it may become necessary to consider the use of mixed populations or 'pre-adapted' donor beds to bolster ecosystem resilience, although it is important to note that our understanding of this research field remains limited (van Katwijk et al. 2016). To properly assess connectivity, a thorough grasp of the natural eelgrass bed locations in the area of interest is crucial. While most seeds typically disperse only a few meters from the bed (though according to Källström et al. (2021) they may travel farther during storms or while floating in seed pods), restored eelgrass beds must establish long-term sustainability, relying on both sexual and asexual reproduction processes. The connection with other eelgrass populations may prove pivotal for the ultimate long-term success of restoration efforts. It is in this context worth noting that factors such as climate change and coastal development can alter both connectivity and habitat suitability over time (Berkström et al., 2022)."* Berkström, C., Wennerström, L., Bergström, U. (2022) Ecological connectivity of the marine protected area network in the Baltic Sea, Kattegat and Skagerrak: Current knowledge and management needs. *Ambio* 51:1485-1503.

All of the above strengthens the argument that for successful restoration and enhancement it may be necessary to look beyond the current Annex 2 Area. Therefore we suggest that the Argyll Marine Planning Region (see map) is considered the area within which the restoration and enhancement has to take place.

We have had a considerable amount of discussion internally, and with the applicants agents, regarding the plans they need to produce as a requirement of their planning conditions. As this

is a novel case there has been a certain amount of learning on both sides but we have concluded that they need to produce two documents. These documents could form two parts of the one overarching Seagrass Mitigation and Monitoring Plan (SMMP) if that was more practical. The two parts should cover 1) Habitat Management and Mitigation Plan and 2) Restoration, Enhancement and Monitoring plan.

Due to the intrinsic uncertainty of any form of environmental enhancement or nature restoration the ability to adapt and change is fundamental to the success of such a project. Therefore an adaptive management approach to the restoration, enhancement and monitoring is crucial in this situation. The worst-case scenario for potential damage should be outlined and the mitigation, restoration, enhancement and monitoring should account for this however if the outcome of the work is more or less damaging than expected then the plans can be adapted accordingly.

We are confident that with the correct expertise onboard and an adaptive management approach adopted the mitigation, restoration, enhancement and monitoring is achievable to ensure no impact to the national status of the seagrass PMF. However, due to the unavoidable uncertainty with this sort of work with variables that are out with the control of the applicant we recommend that the applicant makes a second attempt at the restoration and enhancement measures if the first attempt is found to be unsuccessful.

I have altered your suggested wording to reflect the above. Happy to discuss further if required.

Kind regards
Sally

-The Licensee must ensure that the Licensed Activity is carried out in accordance with a Seagrass Mitigation and Monitoring Plan ("SMMP") which the Licensee must submit prior to the commencement of works for the written approval of the Licensing Authority. The SMMP must take an adaptive management approach and be submitted no later than 2 months prior to the commencement of the Licensed Activity, or at such a time as agreed with the Licensing Authority. In the event that the Licensee wishes to update or amend the SMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month prior, or at such a time as agreed with the Licensing Authority, to the changes being implemented. The SMMP can be presented in two parts, 1) Habitat Management and Mitigation plan and 2) Enhancement and Monitoring plan and must include, but is not limited to:

- *An assessment of the maximum potential loss of seagrass, adopting a worst-case approach as a direct result of the Licensed Activities.*
- *Details as to how the seagrass habitats within the area affected by the Licensed Activities will be monitored throughout the course of the Licensed Activities.*
- *Mitigation measures to be taken to minimise the loss of seagrass anticipated as a result of Licensed Activities.*
- *Restoration and enhancement measures to be taken in the event that loss of seagrass is anticipated as a result of Licensed Activities.*

- The Licensee must make every effort to minimise working within seagrass habitat and must employ best practice measures at all times throughout the Licensed Activities to prevent loss or damage to seagrass habitats, directly or indirectly, resulting from any Licensed Activities.

- The Licensee must ensure that, where seagrass habitat loss as a result of the Licensed Activity is deemed unavoidable as outlined by the SMMP, the Licensee must mitigate the impact on this Priority Marine Feature using restoration and enhancement measures. Any restoration and enhancement measures must be carried out within the Argyll Marine Planning Area and be agreed with the Licensing Authority. The Licensee must ensure that any restoration and enhancement carried out is at least equivalent to any seagrass lost, and ensuring that there is no overall effect on the national status of the seagrass Priority Marine Feature. The Licensee must make a second attempt at the restoration and enhancement if the first attempt is found to be unsuccessful.

- The Licensee must monitor any seagrass restoration and enhancement measures throughout the duration of the Licence.

- Any damage to the seagrass that is detected and was not anticipated or outlined in the SMMP must be reported to the Licensing Authority as soon as reasonably practicable and the Licensee must produce measures to mitigate or restore any damage caused which must be submitted to the Licensing Authority for its written approval.

Sally Weaser | Operations Officer | West

NatureScot | Cameron House, Albany Street, Oban, PA34 4AE | t: 0131 314 6785 | m: [Redacted]
[Redacted]
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Mental Health First Aider & Mental Health Champion - happy to talk or just listen.

Pronouns: she/her

From: Neil.MacLeod3@gov.scot <Neil.MacLeod3@gov.scot>

Sent: Monday, August 5, 2024 1:05 PM

To: Sally Weaser <Sally.Weaser@nature.scot>; Cass Bromley <Cass.Bromley@nature.scot>

Cc: Suzanne Henderson <Suzanne.Henderson@nature.scot>; Katie Gillham <Katie.Gillham@nature.scot>; Ben Seaman <Ben.Seaman@nature.scot>

Subject: RE: 00010432 & 00010433 - Argyll & Bute Council - Breakwater Construction & Capital Dredging - Iona Ferry Terminal, Isle of Iona - PMF Advice Follow-up

Good Afternoon Sally,

Thanks for getting back to us so quickly, especially off the back of your return from leave.

I've attached the proposed Annex Two area, apologies for not including it with the condition.

In terms of taking a call, should be free to do so at 15:00 tomorrow afternoon if that suits?

Kind regards,

Neil

From: Sally Weaser <Sally.Weaser@nature.scot>
Sent: Monday, August 5, 2024 12:12 PM
To: Neil MacLeod <Neil.MacLeod3@gov.scot>; Cass Bromley <Cass.Bromley@nature.scot>
Cc: Suzanne Henderson <Suzanne.Henderson@nature.scot>; Katie Gillham <Katie.Gillham@nature.scot>; Ben Seaman <Ben.Seaman@nature.scot>
Subject: RE: 00010432 & 00010433 - Argyll & Bute Council - Breakwater Construction & Capital Dredging - Iona Ferry Terminal, Isle of Iona - PMF Advice Follow-up

Hi Neil

Thank you for this, we are broadly content with the approach you propose but we have some reservations about the use of the word "compensation" and we are not clear what area "Annex 2" specifically refers to, should a map be attached to your email? Also it would be good to get some consistency on the names we are all calling the various documents that we are asking them to provide. Could we arrange a call with you please?

Cass and I have availability today between 3:30 and 5pm, tomorrow between 1pm and 3pm or Wednesday between 2pm and 5pm.

Many thanks
Sally

Sally Weaser | Operations Officer | West

NatureScot | Cameron House, Albany Street, Oban, PA34 4AE | t: 0131 314 6785 | [Redacted]

Mental Health First Aider & Mental Health Champion - happy to talk or just listen.

Pronouns: she/her

From: Neil.MacLeod3@gov.scot <Neil.MacLeod3@gov.scot>
Sent: Friday, August 2, 2024 12:01 PM
To: Sally Weaser <Sally.Weaser@nature.scot>; Suzanne Henderson <suzanne.henderson@nature.scot>; Katie Gillham <Katie.Gillham@nature.scot>

Subject: 00010432 & 00010433 - Argyll & Bute Council - Breakwater Construction & Capital Dredging
- Iona Ferry Terminal, Isle of Iona - PMF Advice Follow-up

Good Morning,

After some consideration of our policy documentation and the advice you have provided in relation to the above application, we have determined that the only path to licence the works in the face of a impact on the national status of the PMFs affected by the Works is to ensure that this effect is satisfactorily mitigated within the conditions of the licence.

To this end, based on your advice we have come up with the following condition which we hope will mitigate this impact at the point of licence issue. Could I ask you to read through the conditions below and give your opinion as to whether or not you believe the mitigation set out below is sufficient to ensure that there will be no impact on the national status of the PMFs affected by the works. If it is insufficient, could you let us know what you think would be required?

The conditions we propose are as follows:

- The Licensee must ensure that the Licensed Activity is carried out in accordance with a Seagrass Mitigation and Monitoring Plan ("SMMP") which the Licensee must submit prior to the commencement of works for the written approval of the Licensing Authority. The SMMP must be submitted no later than 2 months prior to the commencement of the Licensed Activity, or at such a time as agreed with the Licensing Authority. In the event that the Licensee wishes to update or amend the SMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month prior, or at such a time as agreed with the Licensing Authority, to the changes being implemented. The SMMP must include, but is not limited to:

- *An assessment of the maximum potential loss of seagrass, adopting a worst-case approach as a direct result of the Licensed Activities.*
- *Details as to how the seagrass habitats within the area affected by the Licensed Activities will be monitored throughout the course of the Licensed Activities.*
- *Mitigation and compensation measures to be taken in the event that loss of seagrass is anticipated as a result of Licensed Activities.*

- The Licensee must make every effort to minimise working within seagrass habitat and must employ best practice measures at all times throughout the Licensed Activities to prevent loss or damage to seagrass habitats, directly or indirectly, resulting from any Licensed Activities.

- The Licensee must ensure that, where seagrass habitat loss as a result of the Licensed Activity is deemed unavoidable as outlined by the SMMP, the Licensee must mitigate the impact on this Priority Marine Feature using compensation and/or enhancement measures. Any compensatory measures must be carried out within the area set out in Annex Two. The Licensee must ensure that any compensation carried out ensures that any seagrass community within the area outlined in Annex Two is restored in equivalence to any seagrass lost, and ensuring that there is no overall effect on the national status of the seagrass Priority Marine Feature.

- The Licensee must monitor any seagrass compensation and enhancement measures throughout the duration of the Licence. Any damage to the seagrass not outlined in the SMMP that is detected must be reported to the Licensing Authority as soon as reasonably practicable and the Licensee must produce measures to mitigate or compensate any damage caused which must be submitted to the Licensing Authority for its written approval.

To also follow up on a separate issue, Luke mentioned that Sally indicated that there might be an impact on seagrass arising from changes to waterflow as a result of the breakwater being constructed. I note that this does not feature in the original advice as far as we can tell, nor is it something that is really covered off in the applicants EIA report. As it doesn't feature in the original advice can we assume that while it might be a factor in the effects on the seagrass PMF, that it is not likely to be a significant impact and would not change the advice previously given in terms of what is likely to cause the impact on national status?

As I'm sure you are aware, the applicant is pushing for a resolution on this as soon as possible, so if you could provide a response on the two points above as a matter of priority, that would be most appreciated.

Kind regards,

Neil Macleod
Marine Licensing Casework Manager

Marine Directorate – Licensing Operations Team

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Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



SEPA Responses

From: [Planning.North](#)
To: [MD Marine Licensing](#)
Subject: RE: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 09 November 2023 15:15:28
Attachments: [image001.png](#)

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As per current agreement please simply refer to our standing advice.

Susan Haslam

Senior Planning Officer - Planning Service North

Graesser House, Dingwall Business Park, Dingwall

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From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

Sent: 08 November 2023 11:44

Subject: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023

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Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona

The Licensing Officer for this case is Luke Frissung.

A marine licence has been requested under the above Act to undertake Construction of Rock Armour Breakwater at a location below the level of Mean High Water Springs.

Licence application details can be found at [Marine Licence - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - 00010432 | Marine Scotland Information](#).

Should you have any comments on these proposals, I would be grateful if they could be forwarded to me in an electronic format (MD.MarineLicensing@gov.scot) or as a hard copy within 30 days of the date of this email.

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Kind regards,

Laura Goldie

Marine Directorate - Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

General Queries: +44 (0)300 244 5046

Email: ms.marinelicensing@gov.scot

Website: <https://www.gov.scot/collections/marine-licensing-and-consent>



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From: [Planning.North](#)
To: [MD Marine Licensing](#)
Subject: RE: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 09 November 2023 15:16:36
Attachments: [image001.png](#)

OFFICIAL

As per current agreement please simply refer to our standing advice.

Susan Haslam

Senior Planning Officer - Planning Service North

Graesser House, Dingwall Business Park, Dingwall

Email: planning.north@sepa.org.uk

Mobile: [REDACTED]

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Laura Goldie

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Marine and Coastal Development Unit

Municipal Buildings, Albany Street, Oban, Argyll, PA34 4AW

E-mail: lorraine.holdstock@argyll-bute.gov.uk

www.argyll-bute.gov.uk

Direct Line: 01631 567 909

Ref: EIS 00010432

28th March 2024

Luke Frissung
Marine Directorate - Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Dear Mr. Frissung

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona

Thank you for consulting me on the above marine licence application. Please note that I was only informed of this marine licence application on 28th March 2024. Please find below comments from the Marine and Coastal Development Policy Officer.

Yours sincerely

Lorraine Holdstock
Marine and Coastal Development Policy Officer



Proposal

The Proposal is for the construction of a rock armour breakwater (185 m crest length) located approximately 70 m south of the existing ferry slipway at Iona.

The total area of the proposed works is 21,800 m².

Works Duration

Works are proposed to commence in March 2024 and be completed by March 2027.

Overall Opinion

The Environmental Impact Assessment Report (EIAR) and accompanying assessments are welcomed. There are no objections to the proposal, and further comments are discussed below.

The proposal must conform to all relevant National Planning Framework 4 (NPF4) policies, Local Development Plan 2 (LDP2), National Marine Plan (NMP) policies and detailed guidance as stipulated below.

National Planning Framework 4 (NPF4) overarching policies

Policy 1: Tackling the climate and nature crises

- The development will need to demonstrate reduced emissions as far as practically possible and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area. In this respect, the applicant must aim to conserve and recycle assets where possible.

Policy 3: Biodiversity

- a) The development proposal will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.

- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- d) Any potential adverse impacts, including cumulative impacts, of the development proposal on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4: Natural places

- b) The development proposal that is likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

Policy 10: Coastal Development

- a) Development proposals in developed coastal areas will only be supported where the proposal:
 - i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems;
 - ii. is anticipated to be supportable in the long-term, taking into account projected climate change.
- b) Development proposals in undeveloped coastal areas will only be supported where they:
 - i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
 - ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
 - iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
 - iv. are designed to have a very short lifespan.
- c) Development proposals for coastal defence measures will be supported if:
 - i. **they are consistent with relevant coastal or marine plans;**
 - ii. **nature-based solutions are utilised and allow for managed future coastal change wherever practical;** and

iii. **any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets.**

d) Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.

Policy 12: Zero waste

a) The development proposal will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) The development proposal will be supported where they:

- i. reuse existing buildings and infrastructure;
- ii. **minimise demolition and salvage materials for reuse;**
- iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
- iv. **use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;**
- v. **use materials that are suitable for reuse with minimal reprocessing.**

Policy 29: Rural development

a) The development proposal that contributes to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. **production and processing facilities for local produce and materials**, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. **improvement or restoration of the natural environment.**

b) The development proposal in a rural area should be suitably scaled, sited, and designed to be in keeping with the character of the area. The applicant should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) The development proposal is in a remote rural area, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. **will support local employment;**
- ii. **supports and sustains existing communities**, for example through provision of digital infrastructure; and
- iii. **is suitable in terms of location, access, siting, design and environmental impact.**

National Marine Plan



- The proposed development extends into the marine environment and therefore the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan unless relevant considerations indicate otherwise.
- The proposal is considered to be consistent with the following General Policies of the Plan:
 - GEN 1 General planning principle
 - GEN 2 Economic benefit
 - GEN 3 Social benefit
 - GEN 4 Co-existence
 - GEN 5 Climate change
 - GEN 6 Historic environment
 - GEN 7 Landscape/seascape
 - GEN 8 Coastal process and flooding
 - GEN 9 Natural heritage
 - GEN 10 Invasive non-native species
 - GEN 11 Marine Litter
 - GEN 12 Water quality and resource
 - GEN 13 Noise
 - GEN 14 Air quality
- including 'Shipping, Ports, Harbours and Ferries' policies: TRANSPORT 3, 4, and 5.

Local Development Plan 2 (LDP2)

- The proposed development must conform to all relevant and general proposed policies of the LDP2 Written Statement Argyll and Bute LDP2 Written Statement Feb 2024 (argyll-bute.gov.uk) In particular:
 1. Policy 02 – Outwith Settlement Areas;
 2. Policy 04 – Sustainable Development;
 3. Policy 05 – Design and Placemaking;
 4. Policy 14 – Bad Neighbour Development;
 5. Policy 22 – Economic Development;
 6. **Policy 28 – Supporting Sustainable Aquatic and Coastal Development;**
 7. Policy 42 – Safeguarding Piers, Ports and Harbours;
 8. Policy 55 – Flooding;
 9. Policy 56 – Land Erosion;
 10. **Policy 59 – Water Quality and the Environment;**
 11. **Policy 63 – Waste Related Development and Waste Management;**
 12. **Policy 71 – Development Impact on Local Landscape Areas (LLA);**
 13. **Policy 73 – Development Impact on Habitats, Species and Biodiversity;**
 14. **Policy 74 – Development Impact on sites of international importance.**

EIAR Response Comments

- Welcome the Habitats Regulation Assessment (HRA) and Appropriate Assessment (AA), the production of a Construction and Environmental Management Plan (CEMP) and an Environmental Management Plan (EMP).

Chapter 6 – Navigation & Safety

- It is considered unlikely that the proposal will significantly affect safe navigation or recreational boating during construction. The proposed mitigation is welcomed.

Chapter 7 – Terrestrial Biodiversity



- Welcome the production of an Otter Species Protection Plan, CEMP and the appointment of an Ecological Clerk of Works (ECoW).

Chapter 8 – Marine Biodiversity

- The Seabed Sediment Analysis, Benthic Intertidal and Benthic Subtidal surveys are welcomed. Given that there would be Likely Significant Effects (LSEs) to the Seagrass Priority Marine Feature, the Seagrass Compensation and Monitoring Plan is welcomed.
- Given that harbour porpoise (*Phocoena phocoena*) frequent the Sound of Iona and as a measure of good practice, it is advised that the Applicant apply for a European Protected Species (EPS) licence for potential disturbance to marine mammals under the Conservation (Natural Habitats, &c.) Regulations 1994. It is further advised that the contractor log daily cetacean sightings and prepare a report during the construction phase.
- It is important to note that any effects must be mitigated by the following existing guidance and good practice:
 1. Marine Scotland Guidance: The Protection of Marine European Protected Species from Injury and Disturbance Guidance for Scottish Inshore Waters (July 2020). Please refer to web link:
 - <https://www.gov.scot/publications/marine-european-protected-species-protection-from-injury-and-disturbance/>
- Welcome the production of an Invasive Non-Native Species Management Plan. Shipping activities have the potential to introduce Invasive Non-Native Species (INNS) into the waters and coastline of Argyll. These can include the carpet sea squirt (*Didemnum vexillum*), the leathery sea squirt (*Styela clava*), and wireweed (*Sargassum muticum*). The Invasive Non-Native Species Management Plan should detail good practice methods to avoid and limit the introduction and spread of INNS that relate to the shipping activities in particular.

Chapter 10 – Terrestrial Noise and Vibration

- Mitigation measures to abate noise and vibration will be deployed during the construction phase of the development. Appropriate noise mitigation measures are discussed within the EIA – Outline Construction Environmental Management Plan.

Chapter 11 – Water Quality

- The Sound of Iona coastal water body (ID: 200063) is classified as a High overall status under the Scotland River Basin District.
- Engineering works that includes the movement of concrete, infill rock, rock armour and sediment/debris can cause damage and contamination to the water environment. It will therefore be important for the contractor to adhere to good practice measures and follow pollution prevention strategies for working immediately alongside the water during the construction phase of the breakwater. It will be important that the development does not contribute to an increase in pollution and should aim to avoid siltation, debris, avoid unchecked contaminated run-off, and avoid poured and/or slab concrete spillages. All debris must be removed from the site and disposed of appropriately.
- The Contractor will:
 - Develop and submit to the Planning Authority a Site Waste Management Plan (SWMP), with appropriate mitigation measures prior to works commencing;
 - Install silt interception traps to minimise/avoid unchecked contaminated run-off;
 - Secure fuels, oils and other chemicals securely within the site construction



- compound;
- Have appropriate wash-out facilities available for vehicles and machinery;
- Cover trenches and excavations at the end of each working day;
- Adopt pollution prevent strategies for potential diesel, hydraulic and battery spillages into the environment (marine & shoreline). It is advised that the contractor develop appropriate mitigation measures and follow Pollution Prevention Guidelines located on the NetRegs and SEPA web links respectively:
 - <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>
 - <https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf>.

Chapter 13 – Coastal Processes

- The Applicant is required to apply for a Dredging and Sea Disposal licence, a Marine Construction Projects licence respectively from the Marine Directorate – Licensing and Operations Team (MD – LOT). The Applicant must also apply for a Crown Estate (Scotland) licence. All licensable marine work information is available on the following web links:
 - <https://www.gov.scot/publications/marine-licensing-applications-and-guidance/>.
 - <https://www.crownstatescotland.com/scotlands-property/coastal/marine-works>.
- The Applicant has appropriately assessed the coastal processes and dredging operations associated with the proposal. The dredging impacts on water quality in terms of suspended sediments are likely to be localised and minor in nature. The proposed Operational Phase Mitigation Measures are welcomed.
- As a measure of good practice, it is also advised that the contractor follow appropriate dredging guidance and pollution prevention guidelines located on the SEPA web link:
 - <https://www.sepa.org.uk/regulations/water/guidance/>.

Chapter 15 – Landscape & Visual

- The proposal is located within a Settlement Area and adjacent to the Local Landscape Area (LLA), as identified under the Local Development Plan 2 (LDP2).
- The development’s design and scale should respect the character and appearance of the surrounding area, and be consistent with Policy 71 – Development Impact on Local Landscape Areas (LLA) and the Argyll and Bute Landscape Capacity Assessments.

Chapter 17 – Waste

- Welcome the Quantitative Assessment, the proposed Site Waste Management Plan (SWMP), the Operational Environmental Management Plan (OEMP) and mitigation measures during the construction and operational phases of the development.

Other Comments

Interaction with other activities

- The Council is required to protect public access rights to and along the foreshore for all non-motorised users. Where there is a pier or breakwater structure that will obstruct access along a foreshore or loch side, a reasonable means of passing by the obstruction should be provided to allow the public to exercise their right of access along the shore.



- It is considered that the proposed construction will not result in any significant access rights or conflicts with other marine and coastal users.
- The breakwater structure should be marked according to advice from the Northern Lighthouse Board.
- The proposal is a large engineering operation which is not likely to pose any obvious major issues, and therefore considered consistent with the relevant policies of the NPF4 and the Local Development Plan 2.

Final Comments

- The applicant has demonstrated a locational and operational need for the proposed rock armour breakwater. The breakwater will enable safe ferry operations to continue, and to provide a vital island connection and services.

SFF Responses

From: [Mohammad Fahim Hashimi](#)
To: [MD Marine Licensing](#)
Cc: [Elspeth Macdonald](#)
Subject: RE: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 05 December 2023 17:25:48
Attachments: [image001.png](#)
[image002.png](#)

Dear Luke Fissing,
Thanks a lot for sharing this consultation opportunity with SFF.
Please file a 'nil return' response from SFF on this particular consultation.
Best wishes,

Fahim Mohammad Hashimi
Offshore Energy Policy Officer

Scottish Fishermen's Federation
24 Rubislaw Terrace | Aberdeen | AB10 1XE

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██
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Registered Address | Scottish Fishermen's Federation (SFF) | 24 Rubislaw Terrace | Aberdeen | AB10 1XE

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From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

Sent: 08 November 2023 11:44

Subject: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023

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From: [Mohammad Fahim Hashimi](#)
To: [MD Marine Licensing](#); [Laura Goldie](#)
Cc: [Elspeth Macdonald](#)
Subject: RE: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 30 November 2023 13:11:30
Attachments: [image001.png](#)

Dear Laura,

Thank you for sharing this consultation opportunity with SFF.

Please file a 'nil return' response from SFF on this particular consultation.

Best wishes

Fahim Mohammad Hashimi
Offshore Energy Policy Officer

Scottish Fishermen's Federation (SFF)

24 Rubislaw Terrace | Aberdeen | AB10 1XE

T: +44 (0) [REDACTED]

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From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

Sent: Wednesday, November 8, 2023 11:44 AM

Subject: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023

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**

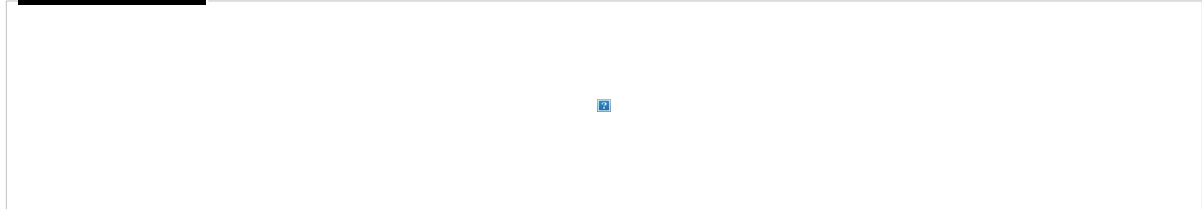
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RYA Responses

From: [Pauline McGrow](#)
To: [MD Marine Licensing](#)
Subject: RE: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 01 December 2023 15:46:31
Attachments: [msg001.jpg](#)
[msg002.jpg](#)
[msg003.jpg](#)
[msg004.jpg](#)
[msg005.jpg](#)
[msg006.jpg](#)

Hi Laura,
I write to inform you that RYA Scotland has no objection in principle but we note the proposed works will restrict the channel north / south on the Iona shore and effectively reduce the width of the channel.

Kind Regards
Pauline
Pauline McGrow
Senior Administrator
Mob: [REDACTED]
Royal Yachting Association Scotland
T: [REDACTED]
E: [REDACTED]



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EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona
The Licensing Officer for this case is Luke Frissung.
A marine licence has been requested under the above Act to undertake Construction of Rock Armour Breakwater at a location below the level of Mean High Water Springs. Licence application details can be found at [Marine Licence - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - 00010432 | Marine Scotland Information](#).

Should you have any comments on these proposals, I would be grateful if they could be forwarded to me in an electronic format (MD.MarineLicensing@gov.scot) or as a hard copy within 30 days of the date of this email. If you require an extension to the consultation period, please inform me in writing as soon as possible and within 30 days of this email. A maximum two week extension to the consultation period will only be granted where significant concerns are raised.

If an extension request or a written reply to this consultation is not received within 30 days, it will be assumed that you are content with the proposals. Any licence that is subsequently issued for the proposed works will be made available on Marine Scotland Information at the address above.

Kind regards,
Laura Goldie
Marine Directorate - Planning & Policy
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

General Enquiries: +44 (0)300 244 5046
Email: ms.marinelicensing@gov.scot
Website: <https://www.gov.scot/collections/marine-licensing-and-consent>

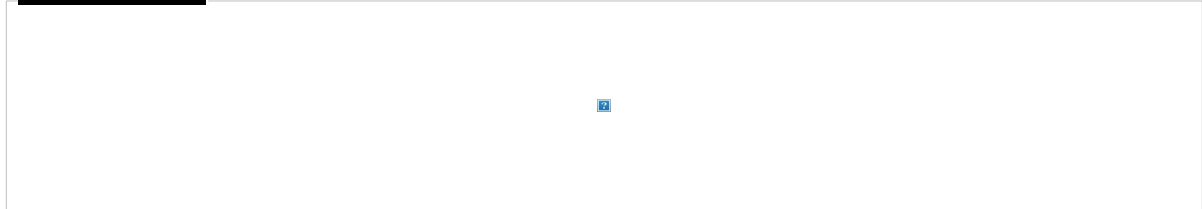


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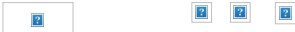
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From: [Pauline McGrow](#)
To: [MD Marine Licensing](#)
Subject: RE: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 01 December 2023 15:51:04
Attachments: [msg001.jpg](#)
[msg002.pdf](#)
[msg003.jpg](#)
[msg004.jpg](#)
[msg005.jpg](#)
[msg006.jpg](#)

Hi Laura,
I write to inform you that RYA Scotland has no objections to this application.
Kind Regards
Pauline
Pauline McGrow
Senior Administrator
Mob: [REDACTED]
Royal Yachting Association Scotland
T: [REDACTED]
E: [REDACTED]



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From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: 08 November 2023 11:44
Subject: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023

Dear Sir/Madam,
MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona.
The Licensing Officer for this case is Luke Frissung.
A marine licence has been requested under the above Act to undertake a Capital Dredging and Sea Disposal at a location below the level of Mean High Water Springs. Licence application details can be found at [Marine Licence - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - 00010433](#) | [Marine Scotland Information](#).
Should you have any comments on these proposals, I would be grateful if they could be forwarded to me in an electronic format (MD.MarineLicensing@gov.scot) or as a hard copy within 30 days of the date of this email.
If you require an extension to the consultation period, please inform me in writing as soon as possible and within 30 days of this email. A maximum two week extension to the consultation period will only be granted where significant concerns are raised.
If an extension request or a written reply to this consultation is not received within 30 days, it will be assumed that you are content with the proposals.
Any licence that is subsequently issued for the proposed works will be made available on Marine Scotland Information at the address above.
Kind regards,
Laura Goldie
Marine Directorate - Planning & Policy
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
General Enquiries: +44 (0)300 244 5046
Email: ms.marinelicensing@gov.scot
Website: <https://www.gov.scot/collections/marine-licensing-and-consent>

[REDACTED]

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Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: 00010432 & 00010433
Our Ref: GB/ML/A5_01_239

Mr Luke Frissung
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

28 November 2023

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010432 & EIS 00010433 - Argyll & Bute Council - Rock Armour Breakwater and Capital Dredging & Sea Disposal - Iona Ferry Terminal, Isle of Iona

Thank you for your e-mail correspondence dated 8th November 2023 regarding the application submitted by **Argyll & Bute Council** for consent to undertake breakwater construction works and dredging at Iona Ferry Terminal, Isle of Iona.

Northern Lighthouse Board have no objection to the proposed breakwater construction works or dredging/disposal and advise the following;

Construction Works (00010432):

- **Argyll and Bute Council** should liaise with the ferry operator and issue Notices to Mariners/ marine safety information as considered appropriate clearly stating the nature and duration of the construction works. Please copy any issued Notice to Mariners to navigation@nlb.org.uk
- The proposed breakwater will require to be marked with an Aid to Navigation (AtoN) at the most seaward extent and at least 2 metres above the surface of the breakwater, exhibiting a red light with a nominal range of 2 miles flashing twice every six seconds [Fl(2)R6s 2M].
- **Argyll and Bute Council** engage with NLB regarding any temporary Aids to Navigation required during the construction of the project.
- On completion a copy of the 'as built' plans should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts and publications can be updated.

Dredging and Disposal (00010433):

- Marine safety information as considered appropriate is issued prior to the commencement of each dredging campaign.

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- On completion of the dredge works, the final survey data should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts can be updated with the revised water depths.

Yours sincerely

Peter Douglas
Navigation Manager

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To find out more, please see our Privacy Notice at www.nlb.org.uk/legal-notice/

MCA Responses

From: [Helen Croxson](#)
To: [MD Marine Licensing](#)
Cc: [Helen Duncan](#); [Sam Chudley](#); [Jo Cooke](#)
Subject: RE: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response
Date: 15 December 2023 11:33:25
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Dear Luke,

Thank you for the opportunity to comment on the marine licence application for a rock armour breakwater for Iona Ferry Terminal on the Isle of Iona. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents, and would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marine facilities and any impact on our search and rescue obligations. It is our understanding that the works will comprise of the construction of a rock armour breakwater located approximately 70m south of the existing slipway. Materials will be transported to the site by barge.

We note that the site does not falls within the jurisdiction of a Statutory Harbour Authority (SHA). This site should be treated as Marine Facilities in accordance with the Port Marine Safety Code (PMSC) and its Guide to Good Practice. This Code is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties. We note in the application the intentions of Argyll and Bute Council to apply for Statutory Harbour Authority status through a Harbour Order. The MCA should be consulted as part of this process.

We also note that a Hazard Identification Workshop was undertaken with key stakeholders providing stakeholder consultation to inform the risk assessments produced as part of the NRA, which the MCA welcomes.

The rock armour and materials for the breakwater will be delivered to the site by barge. Rock armour will be stored within a compound below MHWS on the south side of the proposed breakwater. It should be noted that the barge must comply with all maritime safety legislation and the responsibility is with the owner / operator to ensure the safe operation and mooring of the barge, taking account the proximity to other existing offshore infrastructure and navigation features using current charts and nautical publications. This is particularly important in adverse weather.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, the risk mitigation measures contained within the Navigation Risk Assessment are adhered to, and that the following risk mitigation measures take place:

Conditions:

1. Local mariners, fishermen's organisations and local ferry operators must be made fully aware of the activity through a local notification. This must be issued at least 5 days before the commencement of the works. The MD-LOT must be sent a copy of the notification within 24 hours of issue.
2. Zone35@hmcg.gov.uk (HM Coastguard) and the local MCA Marine Office, in this case glasgowmo@mcga.gov.uk must be notified at least five days before commencement of activities.
3. A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at

least 10 days before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

4. A notification must be sent to The Source Data Receipt team, UK Hydrographic Office, (email: sdr@ukho.gov.uk) on completion of the licensed activities, no later than 10 working days after their completion. The information provided must include: latitude and longitude coordinates in WGS84 (ETRS89) datum of the installed works on and/or above the seabed, any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable.
5. A Construction Environmental Management Plan (CEMP) must be submitted before construction commences and contain a Traffic and Navigation Management Plan and a Method Statement. This must include the arrangements for the compound below the MHWL, and the arrangements for the barge transshipment.
6. The lighting and marking arrangements for the proposed works must be discussed and agreed with the Northern Lighthouse Board.

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.
2. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
3. Consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code. This can be found here:
<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>
4. If in opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works may be liable for any expense incurred in securing such assistance.

The MCA has considered the relevant Marine Plan as part of its assessment of this application.

If you have any questions on this response, please let us know.

Kind regards

Helen Croxson

UK Technical Services Navigation

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: Monday, December 11, 2023 4:40 PM
To: Helen Croxson <Helen.Croxson@mcga.gov.uk>; Jo Cooke <Jo.Cooke@mcga.gov.uk>
Cc: Helen Duncan <Helen.Duncan@mcga.gov.uk>; Sam Chudley <Sam.Chudley@mcga.gov.uk>
Subject: FW: QUERY - EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response
Importance: High

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Hi Helen and Jo,

That's fine in respect of the request for an extension to the 10432 and 10433 consultations. If you can have a full response with us by the end of next week at the latest, that would be appreciated.

With regard to your email below, I'm not totally clear what you're looking for? The Navigational Risk Assessment is contained as Appendix 6.1 within Voume III of the EIA (Technical Appendices), which can be found here:

https://marine.gov.scot/datafiles/lot/ionaeia/IonaEIA_Technical_Appendices_Redacted.pdf.

Unfortunately the file is too big to be included as an attachment to this email, but if you're unable to access the link, let me know and I'll see if there is a way round this. If you require anything in addition to this, please advise.

Best wishes,

Luke

Luke Frissung

Marine Licensing Casework Officer

Licensing Operations Team, Marine Directorate

Scottish Government, 375 Victoria Road, Aberdeen AB11 9DB

Email: luke.frissung@gov.scot

From: Helen Croxson <Helen.Croxson@mcga.gov.uk>
Sent: Friday, December 8, 2023 9:21 AM
To: MD Marine Licensing <MD.MarineLicensing@gov.scot>
Cc: Helen Duncan <Helen.Duncan@mcga.gov.uk>; Jo Cooke <Jo.Cooke@mcga.gov.uk>; Sam Chudley <Sam.Chudley@mcga.gov.uk>
Subject: RE: QUERY - EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response
Importance: High

Dear Luke,

The MCA is in the process of assessing the rock armour breakwater marine licence application for the Iona Ferry Terminal. Please can I request a copy of the full Navigation Risk Assessment Volume II appendix 6.1 and Volume III appendix 6.1. It would be useful to add these to the online application form papers.

Many thanks

Helen

Helen Croxson

Marine Licensing and Space Launch Lead

Marine Licensing and Consenting

UK Technical Services Navigation

+44 (0) [REDACTED]

+44 (0) [REDACTED]

Helen.Croxson@mcga.gov.uk

Maritime & Coastguard Agency



Bay 2/25, Spring Place
105 Commercial Road,
Southampton SO15 1EG



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www.gov.uk/mca

Please note my working days are **Tuesdays, Wednesdays, Thursdays and Friday mornings.**

I work flexible hours and I do not expect any action or reply outside of your normal office hours.

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

Sent: Wednesday, November 8, 2023 11:44 AM

Subject: EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - Consultation - Response Required by 8th December 2023

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Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010432 - Argyll & Bute Council - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona

The Licensing Officer for this case is Luke Frissung.

A marine licence has been requested under the above Act to undertake Construction of Rock Armour Breakwater at a location below the level of Mean High Water Springs.

Licence application details can be found at [Marine Licence - Rock Armour Breakwater - Iona Ferry Terminal, Isle of Iona - 00010432 | Marine Scotland Information](#).

Should you have any comments on these proposals, I would be grateful if they could be forwarded to me in an electronic format (MD.MarineLicensing@gov.scot) or as a hard copy within 30 days of the date of this email.

If you require an extension to the consultation period, please inform me in writing as soon as possible and within 30 days of this email. A maximum two week extension to the consultation period will only be granted where significant concerns are raised.

If an extension request or a written reply to this consultation is not received within 30 days, it will be assumed that you are content with the proposals.

Any licence that is subsequently issued for the proposed works will be made available on Marine Scotland Information at the address above.

Kind regards,

Laura Goldie

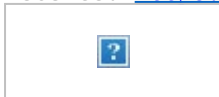
Marine Directorate - Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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From: [Helen Croxson](#)
To: [MD Marine Licensing](#)
Cc: [Helen Duncan](#); [Jo Cooke](#); [Sam Chudley](#)
Subject: RE: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023
Date: 15 December 2023 12:02:02
Attachments: [image002.png](#)

Dear Luke,

Thank you for the opportunity to comment on the marine licence application of Capital Dredging at Iona Harbour, Isle of Iona and Sea Disposal. This is part of the wider rock armour breakwater project at Iona ferry terminal. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents, and would like to respond as follows:

It is our understanding that the works will comprise of capital dredging around the slipway of Iona Harbour by back-hoe dredger at the noted co-ordinates and sea disposal at site Portnahaven (MA035). This response must be read in conjunction with MCA response to 00010432 as the dredging forms part of the proposals for the overall project and must be incorporated into the method statement required as part of the project Construction Environmental Management Plan (CEMP).

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, the risk mitigation measures contained within the Navigation Risk Assessment are adhered to, and that the following risk mitigation measures take place:

Conditions:

1. A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at least 10 days before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements. The information supplied must also include any hazards to navigation and/or pre-dredging surveys. A copy of the notification must be sent to the MD-LOT within 5 working days of the notification being sent.
2. A notification must be sent to The Source Data Receipt team, UK Hydrographic Office, (email: sdr@ukho.gov.uk) on completion of the licensed activities, no later than 10 working days after their completion. The information provided must include: any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable. A copy of the notification must be sent to the MD-LOT within 5 working days of the notification being sent.
3. Local mariners including fishermen's organisations and local ferry operators must be made fully aware of the activity through a local notification. This must be issued at least 5 days before the commencement of the works. The MD-LOT must be sent a copy of the notification within 24 hours of issue.
4. The dredging arrangements must be incorporated into the method statement required as part of the project Construction Environmental Management Plan (CEMP), in advance of commencement.

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. The applicant should consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The

Marine Safety Management System should be updated to accommodate this project in accordance Port Marine Safety Code. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code. This can be found here: <https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

The MCA has considered the relevant Marine Plan as part of its assessment of this application.

If you have any questions on this response, please let us know.

Kind regards

Helen Croxson

UK Technical Services Navigation

From: MD.MarinELicensing@gov.scot <MD.MarinELicensing@gov.scot>

Sent: Wednesday, November 8, 2023 11:44 AM

Subject: EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - Consultation - Response Required by 8th December 2023

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Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010433 - Argyll & Bute Council - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona.

The Licensing Officer for this case is Luke Frissung.

A marine licence has been requested under the above Act to undertake a Capital Dredging and Sea Disposal at a location below the level of Mean High Water Springs.

Licence application details can be found at [Marine Licence - Capital Dredging and Sea Disposal - Iona Harbour, Isle of Iona - 00010433 | Marine Scotland Information](#).

Should you have any comments on these proposals, I would be grateful if they could be forwarded to me in an electronic format (MD.MarinELicensing@gov.scot) or as a hard copy within 30 days of the date of this email.

If you require an extension to the consultation period, please inform me in writing as soon as possible and within 30 days of this email. A maximum two week extension to the consultation period will only be granted where significant concerns are raised.

If an extension request or a written reply to this consultation is not received within 30 days, it will be assumed that you are content with the proposals.

Any licence that is subsequently issued for the proposed works will be made available on Marine Scotland Information at the address above.

Kind regards,

Laura Goldie

Marine Directorate - Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

General Queries: +44 (0)300 244 5046

Email: ms.marinelicensing@gov.scot

Website: <https://www.gov.scot/collections/marine-licensing-and-consent>



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Scottish Water Responses

Thursday, 09 November 2023



Marine Licensing
375 Victoria Road

Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Rock Armour Breakwater, Iona Ferry Terminal, Isle of Iona, PA76 6SJ
Planning Ref: 00010432
Our Ref: DSCAS-0098071-52X
Proposal: Maintenance of existing works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Thursday, 09 November 2023



Marine Licensing
375 Victoria Road

Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Capital Dredging and Sea Disposal, Iona Harbour, Isle of Iona, PA76 6SJ
Planning Ref: 0.00010433
Our Ref: DSCAS-0098076-C7W
Proposal: Capital Dredging and Sea Disposal

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

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I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

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Transport Scotland Responses

Laura Goldie
Marine Directorate
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:
00010432

Our ref:
GB01T19K05

Date:
29/11/2023

MD.MarineLicensing@gov.scot

Dear Sirs,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010432 - ARGYLL & BUTE COUNCIL - ROCK ARMOUR BREAKWATER - IONA FERRY TERMINAL, ISLE OF IONA

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by RPS in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises the construction of a rock armour breakwater, located approximately 70m south of the existing slipway on Iona, south-west of the Isle of Mull. The nearest trunk road to the site is the A85(T) on the mainland at Oban, approximately 73km to the east.

Transport Scotland was consulted on a Scoping Report for this project and provided comment in our letter dated 16th September 2021. In this, we noted that it was proposed that materials for the construction works would be brought to the site via barge, therefore, any traffic and transport impacts would be insignificant. We concluded at that time that due to the distance of the development from the trunk road network and the proposed methodology for transporting materials, the proposal was unlikely to have any significant impacts on the trunk road.

Assessment of Environmental Impacts

We note that the EIAR indicates that potential effects on Traffic and Transportation associated with the development are predicted to be limited, as the proposed methodology for transporting materials to site continues to be via barge. We also note that dredge material will be disposed of at a licenced offshore sea disposal site.

Given the above, we can again confirm that Transport Scotland is satisfied that construction of the proposed rock armour breakwater will have no impact on the trunk road network and, consequently, has no objection to the application for the proposed works.

I trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact me at the number above or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

[Redacted]

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

Luke Frissung
Marine Directorate
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:
00010433

Our ref:
GB01T19K05

Date:
30/11/2023

MD.MarineLicensing@gov.scot

Dear Sirs,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

EIS 00010433 - ARGYLL & BUTE COUNCIL - CAPITAL DREDGING AND SEA DISPOSAL - IONA HARBOUR, ISLE OF IONA

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by RPS in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises the construction of a rock armour breakwater and dredging activities, located approximately 70m south of the existing slipway on Iona, south-west of the Isle of Mull. The nearest trunk road to the site is the A85(T) on the mainland at Oban, approximately 73km to the east.

It is noted that there is a separate application for the rock armour breakwater and we have issued a separate response on that element of the proposals. The two applications are supported by the same EIA Report.

Assessment of Environmental Impacts

We note that the EIAR indicates that potential effects on Traffic and Transportation associated with the development are predicted to be very limited as dredge material will be disposed of at a licenced offshore sea disposal site.

Given the above, we can confirm that Transport Scotland is satisfied that the dredging activities and disposal activities will have no impact on the trunk road network. Consequently, Transport Scotland has no objection to the application for the proposed works.

I trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact myself at the number above or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

[Redacted]

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

[Iona Harbour Redevelopment \(Argyll and Bute Council\)](#)

Marine Analytical Unit Response, Marine Directorate

The Iona Harbour Redevelopment (Argyll and Bute Council) EIA report includes a description of a range of potential impacts. This response focuses only on the assessment of social and economic impacts that are assessed in the “Population and Human Health” chapter of the EIA report. This is a relatively small-scale development that includes construction of a breakwater and minor dredging, expected to last 52 weeks, with minimal disruption to transport.

The following potential socio-economic impacts have been scoped in:

- **Open space, leisure and play** (potential effect on sea users, including kayaks and boats, assessed as minor adverse significance);
- **Transport modes, access and connections** (not expected to prevent access to and from the island during construction, the project is expected to result in improved access during operation);
- **Education and training** (may include construction upskilling opportunities, improved access to and from the island may result in better access to education and training on Mull and mainland Scotland);
- **Employment and income** (even a small amount of employment may be influential for the island, disruption to income streams through tourism and fishing during construction was considered, potential development of tourism during operation was identified as an indirect effect);
- **Noise and vibration** (potential noise nuisance during construction, no new noises during operation).

A number of potential socio-economic impacts have been scoped out:

- **Housing** (it is assumed non-local workforce will be housed off the island);
- **Social participation** (this is a small development that assumes no significant adverse impacts on local community);
- **Community identity** (influence on the use of Gaelic language and a change in the built environment are mentioned but assessed as insignificant);
- **Health and social care services** (it is assumed that non-local workforce is going to be housed off the island, expecting no additional pressures on the provision of healthcare);
- **Other impacts** (health related behaviours, social environment, bio-physical environment, institutional and built environment).

We noted that mitigation measures include dredging taking place at night to avoid disruption to the current ferry services, this has been arranged with ferry operator.

Overall, we consider that the assessment of socio-economic impacts set out in the EIR report is proportionate and satisfactory.

From: [REDACTED]
To: [MD Marine Licensing](#)
Cc: [MD Marine Licensing](#)
Subject: Iona Breakwater: Atn. Annabel Turpie
Date: 09 December 2023 08:51:16

Good morning Annabel,
I sent the following representation on the 6 December.
Could you please acknowledge receipt and pass this on to the relevant Department,
Moran taing
[REDACTED]

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 6 December 2023 at 08:44:58 GMT
To: md.marinelicensing@gov.scot
Cc: [REDACTED]
Subject: Iona Breakwater

Good morning,

Please can you acknowledge the following representation.
I refer to the Marine licence application in respect of Planning Application 23/01973/PP for the breakwater and associated dredging of the approaches to Iona slipway. The application is governed by the Marine Scotland Act of 2010, from which I understand the main duties of the Marine Directorate Licensing Operations Team to be:

- *Sustainable development and protection and enhancement of the health of the Scottish marine area*
- *Mitigation of and adaptation to climate change*

Carbon footprint

It is significant that while the EIAR presented to Marine Scotland evaluates the cumulative effect of building breakwaters on both sides of the Sound with respect to tidal flow and sea state, the cumulative carbon footprint has not been evaluated. By using the metrics for calculating carbon emissions published by the Council the overall carbon footprint for developments in both Fionnphort and Iona are likely to reach 7 million tons, which will contribute to global warming and a consequential threat to many species of marine life, along with human displacement from rising in sea levels.

To put this figure into context the recent Clean Energy Transition Agenda published by the Archipelago of Mull Actions for Zero Emissions calculated total emissions for 2019 as 36,000 tonnes, trending to net zero by 2045, with a total budget of 487,350 tonnes, excluding construction projects.

Options

Planning Authorities need to be more creative with the types of infrastructure we build and the assets they protect to ensure they continue to benefit future generations. The purpose of this representation is to accelerate decarbonisation of the electricity network and to help democratise our energy system. This project is an opportunity to provide a ferry chargepoint as part of a smart local energy system incorporating Battery Storage to provide resilience to the local network.

All of the options that have been appraised in the Iona EIAR are rock armour mounds which carry a large carbon footprint and disfigure the iconic seascapes of the Islands.

The current application for a rock breakwater on Iona does not follow sustainability principles but is driven by a safety issue relating to the ferry berthing on Iona, described in the non technical summary:

‘After traversing the Sound, the ferry holds its position at Iona using the weight of the ramp and the friction between the ramp and the slipway deck..... The instability of the ferry as a result of swells presents a risk to both ferry operators, passengers embarking and disembarking, vehicles and other slipway users.’

The options appraisal in the EIAR gives little consideration to Low Carbon Technologies such as described here to provide climate changing resilience:

1. An electromagnetic docking system used in Norway could help to resolve instability on the slipway, which has recently been re-surfaced with a steel deck. The design of the replacement vessel could incorporate such a device to hold the ramp in position, making it safer for passengers to disembark.
2. A tested Semi submersible wave energy absorber such as ‘Marine Power Systems’ developed at the EMEC would be less visually intrusive than a rubble mound, absorbing wave energy that is converted to meet some of the local electricity demand. The Byrne Looby report of 2017 identified a potential location for such a ‘wave point absorber’ beside the proposed Fionnphort Breakwater and yet no LCT’s (Low Carbon Technology’s) have been considered in the current EIAR as a means of calming the sea state to improve safety on the Iona slipway.
3. The planning of energy resources for the new ferry could follow sustainable principles established for electric ferries elsewhere. Expedient measures to improve crew safety with a causeway and bridge could therefore lead to the development of a tidal generator in Bull hole, whilst solving the issue of servicing the overnight berth from a dinghy.

Environmental impact - governing legislation

The National Marine plan is consistent with the National Planning Framework and yet the EIAR makes no reference to NPF 4 which became law on 13 Feb 2023. The Local Authority have issued consultation requests to statutory bodies quoting the Town and Country planning Act of 1997 as the Governing legislation and stating that NO EIAR is required.

The bibliography for the EIAR presented to Marine Scotland and the assessment methodology in Chapter 21.2 do not mention NPF4, which outlines the choices that need to be made under Regional Spatial strategies about how we can make sustainable use of our natural assets in a way which benefits local communities.

The carbon emissions for the project published on 08/09/23 are estimated at 1.8 million tonnes of CO₂e, largely from the transportation of rock armour. In chapter 18 of the EIAR table 18.6.3 of carbon emissions does not align with the carbon footprint published on 08/09/23 and there are no provisions for CO₂e Mitigation, for example, through the incorporation of renewable energy. Table 18.6.3 asserts that the total project emissions is less than 0.1% of the projected 5 year UK carbon emissions budget, which has been interpreted as a 'negligible change'. Page 42 of the non technical summary states that '*no significant effect has been identified for the climate assessment*'. From a global perspective an increase of 1.8 million tons will contribute to the climate emergency and rather than trade-off environmental objectives, this project could be viewed as an opportunity to bring together cross-cutting priorities to achieve a more sustainable development. Some joined-up thinking would help to solve these problems.

Dredging

The shifting sands of Iona Sound will place the additional economic burden of dredging on future generations. Sedimentation is a significant risk to the navigable channel inside the proposed breakwater which will need to be dredged regularly and berths on both sides of the slipway will be effected. The EIA has quantified the capital dredged material, which will require at least 160 passages to dump sediments off the South coast of Islay, a round trip of 40 km. It is harder to predict the frequency of dredging and the cost to future generations to keep the ferry service operational.

Cumulative impact

Granting a Licence for Iona breakwater by MD LOT might set a precedent for the Fionnphort Breakwater and overnight berth, which will carry a cumulative footprint that needs to be considered within the current EIA.

A representation for the Fionnphort overnight berth was submitted to Marine Scotland Science in August 2023 warning of resonant surges in Fionnphort which have not been considered, further stating '*It is interesting that the only safe anchorages in the Sound of Iona, namely Tinkers Hole and Bull Hole, are open at both ends, They both have deep water entrances at their South end with a shallow entrance to the north. Neither of these natural harbours are affected by long period waves due to the fact that there is no potential for resonant surge. The Ferry crew will testify to the sense of security experienced when the ferry is berthed in Bull hole.*'

The plans for Fionnphort Breakwater have recently been modified by the Council, reducing the crest height by 1.1m. and stating that the breakwater crest can be 'topped up' once rising sea levels have been determined. This does not follow sustainability principles in planning for the future rise in sea levels, which is now inevitable.

MD LOT are empowered to promote Marine energy assets to mitigate the high levels of carbon emissions attributed to Island communities. Generating assets that are part owned by Community result in higher carbon literacy, with the potential to reach net zero ahead of schedule.

Le gach durachdan

