Scottish Government
Riaghaltas na h-Alba

MARINE DIRECTORATE - LICENSING OPERATIONS TEAM'S ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR DESIGNATED SPECIAL AREAS OF CONSERVATION IN VIEW OF THE SITES' CONSERVATION OBJECTIVES.

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT 2010 FOR HARBOUR IMPROVEMENT WORKS INCLUDING CAPITAL DREDGING AND SEA DEPOSIT OF DREDGED MATERIAL

SITE DETAILS: PORT ELLEN, ISLAY

Name	Assessor or Approver	Date
[redacted]	Assessor	03 September 2025
[redacted]	Approver	18 September 2025

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SECTION 1: BACKGROUND

1. Appropriate assessment conclusion

1.1 This appropriate assessment ("AA") concludes that there will be no adverse effect on the site integrity of the South-East Islay Skerries Special Area of Conservation ("SAC") from the Caledonian Maritime Assets Ltd ("CMAL") proposal either in isolation or in combination with other plans or projects, providing that the condition set out in Section 4 is complied with.

1.2 Marine Directorate – Licensing Operations Team ("MD-LOT") considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the CMAL proposal will not adversely affect the integrity of the South-East Islay Skerries SAC and is satisfied that no reasonable scientific doubt remains.

2. Introduction

2.1 This is a record of the AA undertaken by MD-LOT in regards to the CMAL proposal to harbour improvements and capital dredging and sea deposit of dredged material as required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Habitats Regulations"). MD-LOT, as the 'competent authority' under the 1994 Habitats Regulations, has to be satisfied that the project will not adversely affect the integrity of any European site (special areas of conservation and special protection areas), either alone or in combination with other plans or projects, before it can grant consent for the project.

2.2 NatureScot, operating name of Scottish Natural Heritage, has been consulted in accordance with Regulation 48(3) of the Conservation (Natural Habitats, &c.) Regulations 1994.

3. Details of proposed project

3.1 The works are located at Port Ellen Harbour on Islay, within 5 kilometres of the South-East Islay Skerries SAC, and involve the following licensable marine activities below mean high water springs ("MHWS"):

- Capital dredging and deposit of dredged material
- Land reclamation and removal works
- Construction of finger pier and linkspan
- Construction of fishing berth

- Construction of commercial berth

3.2 The works are anticipated to take 36 months to complete, with an anticipated start date in the summer of 2025. Construction and dredging works will be from 7a.m. to 7p.m. seven days a week, with the deposit of dredged material being undertaken 24 hours a day due to the anticipated travel time to the location of the deposit site.

Capital Dredging and deposit of dredged material

3.3 The works include capital dredging and sea deposit of dredged material to facilitate the safe navigation of vessels using the harbour upon completion of the works. The dredging is anticipated to take six months to complete and will be undertaken at the start of the works.

3.4 The dredging will be split into two areas; the northern area around the proposed fixed ramp and the southern area around the proposed commercial berth, linkspan and extending towards the inner harbour. Both areas will be dredged to -5.5 metres ("m") Chart Datum ("CD") and the total estimated approximate dredge volume is 27,900 cubic metres ("m^3").

3.5 The dredging works will likely be carried out using a backhoe dredger, however where hard material is located which cannot be dredged by the backhoe dredger, pre-treatment will be required. This may include a combination of ripping tooth, underwater hydraulic rock breaker, hydraulic rock wheel or drilling and pre-fracturing using Cardox blasting. It is anticipated there will be around 2,800m^3 of rock being removed that may require these techniques. All the dredged material will be transported using spilt hopper barges and deposited by bottom discharge at Portnahaven authorised sea deposit site (MA035).

Land reclamation and removal works

3.6 The works include the land reclamation of approximately 2 hectares to facilitate the construction of a new marshalling area, unaccompanied trailer facilities, new terminal building, associated parking, improvements to passenger access and general quayside working space. This new area will include the installation of rock armour revetments to the north and west and a quay structure to the south and southeast to facilitate fishing and commercial vessels.

3.7 The reclamation areas will be constructed within bunded cells using infill materials to form a perimeter to the works. The infill material will be placed by end tipping or direct discharge from a barge/vessel. Rock armour will then be placed on side slopes of the perimeter bund as work progresses. Infill material will be transported to site via a combination of road and sea. The infill material

may also require to be compacted using deep compaction equipment, which may be a combination of vibratory tandem rollers or high energy impact compaction, rapid impact compaction, polygon compaction roller and/or deep vibro compaction/water jetting. On completion of the infill and compaction, the area will then receive final surfacing works.

3.8 To facilitate the land reclamation, some removal/demolition works are required. This will involve the removal of the existing linkspan and the concrete foundations lowered to be incorporated as part of the general land reclamation. The existing quay and pier may be partially demolished once land reclamation has surrounded all sides providing temporary support. The top sections of existing quay walls and pier will be removed to below the proposed ground level with lower sections being incorporated into the land reclamation.

Construction of finger pier and linkspan

3.9 The works include the construction of a new open piled finger pier to facilitate the berthing of the new ferries. A jack up/spud leg barge will be utilised for the installation of the piles. A piling gate will be used to assist with the installation, this will be supported by temporary piles. The piles will then be placed into the gate and installed using vibratory techniques with the final depth being achieved using an impact hammer. Rotary or percussive boring may be necessary to construct rock sockets or tension anchors for the piles, this may be from the barge or land-based platform. Once the pile is in place, the gate will then be removed and placed into the next position, with the process repeated until completion.

3.10 Once the piles are in place, the cross beams and edge beam will then be installed from land moving seawards in sections. The pile caps and beams will be installed on the piles using crawler crane on the jack-up/spud leg barge. Prefabricated reinforcement steel will be fixed within each beam with concrete then being poured in-situ to form a structural member.

3.11 Precast concrete planks will be installed between the beams to form the sides of the deck and permanent form work. Reinforcement steel will be placed within each beam prior to being filled in-situ with concrete to form a structural member. Deck reinforcement steel will then be positioned and concrete will then be poured in-situ to finish the deck.

3.12 Quay furniture, fenders and cathodic protection will then be installed. Scour protection rock will then be installed using excavators either from landside or marine based plant. Alternatively, scour protection measures may include geotextile mattress or rock armour units placed by divers and filled in-situ.

3.13 The linkspan requires the construction of lifting dolphins and bankseat, these will take place concurrently with the finger pier construction and use similar piling and concrete installation methods. Once the dolphin and bank seat are constructed, the linkspan will be installed using a crane on the quay or barge. It will be secured to the bankseat and dolphins to then allow testing to take place.

Construction of fishing berths

3.14 The works include the construction of fishing berths to the east of the works. The installation uses the same piling installation method as the construction of the finger pier, however, as there is an existing quay wall in place, a temporary stability bund will be installed along the front of the existing structure to provide support prior to the construction commencing. On completion of the new quay wall piles, an anchor wall will be constructed. To facilitate the construction, the deck slabs of the existing quay will need to be broken up and removed. The area between the quay wall and the anchor wall will then be excavated to the facilitate the tie rod installation which may also require the demolition of the existing quay wall. Once the tie rods have been installed, the excavated area will be backfilled. The temporary stability bund will then be removed using a long reach excavator. Openings for outfalls will then be constructed along with cope beams, quay furniture, fenders and cathodic protection. The same scour protection measures as the finger pier will then be installed.

Construction of commercial berths

3.15 The EIA Report outlines two design options for the construction of the commercial berth, suspended deck or combi-pile wall. However, the Applicant has now confirmed that it will progress with the combi-pile wall option. The combi-pile wall design includes the installation of piles using the same method as the finger pier. On completion of the new quay wall, the space between the existing wall and the new quay will be infilled to a level to allow for tie rod installation. An anchor wall will be installed using a land based crane and piling gate and installed using vibro/impact hammer. Tie rods will then be installed between the anchor wall and new quay wall and then the space infilled. Openings for outfalls will then be constructed along with cope beams, quay furniture, fenders and cathodic protection. The same scour protection measures as the finger pier will then be installed.

4. Consultation

4.1 NatureScot were consulted on 17 April 2025 and provided a response on 22 May 2025. Further advice was sought on 17 July 2025 and a response was provided on 25 July 2025.

5. Main points raised during consultation

5.1 NatureScot advised that the works would have a likely significant effect on the harbour seal qualifying interest of the South-East Islay Skerries SAC and advised that an AA was required.

SECTION 2: INFORMATION ON EUROPEAN SITES

6. Background information and qualifying interests for the relevant European site

6.1 This section provides links to the NatureScot SiteLink website ("SiteLink") where the background information on the site being considered in this assessment is available. The qualifying interests for the site are listed as are the conservation objectives.

Table 1: Name of European site affected and relevant link to SiteLink

South-East Islay Skerries SAC https://sitelink.nature.scot/site/8381

Table 2: Qualifying interests

South-East Islay Skerries SAC Harbour seal (*Phoca vitulina*)

Table 3: Conservation objectives

South-East Islay Skerries SAC 1. To ensure that harbour seals at South-East Islay Skerries SAC are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.

2. To ensure that the integrity of South-East Islay Skerries SAC is maintained in the context of environmental changes by meeting objectives 2a, 2b and 2c: 2a. The population of harbour seal is a viable component of the site. 2b. The distribution of harbour seal throughout the site is maintained by avoiding significant disturbance of harbour seal. 2c. The supporting habitats relevant to harbour seal are maintained.

SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

7. Requirement for appropriate assessment

7.1 Is the project directly connected with or necessary to the conservation management of the site(s)?

7.1.1 The project is not directly connected with or necessary to the conservation management of the site.

7.2 Is the project likely to have a significant effect on the qualifying interest(s)?

7.2.1 In its response dated 22 May 2025, NatureScot advised that the proposal is likely to have a significant effect on the harbour seal qualifying interest due to vessel movement and underwater noise.

7.2.2 MD-LOT agrees with NatureScot's advice and has undertaken an AA for the South-East Islay Skerries SAC.

8. Appropriate assessment of the implications for the site in view of the site's conservation objectives.

8.1 NatureScot advised in its response of 22 May 2025 that the CMAL proposal had the potential to cause disturbance to the harbour seals from vessel movement and underwater noise. NatureScot noted it was largely in agreement with the Habitats Regulation Appraisal ("HRA") submitted by CMAL which cited underwater noise from construction works including dredging, piling and Cardox blasting activities as well as rock breaking/rock wheeling. In its advice, NatureScot noted that the SAC is used as a haul out all year round, with the breeding (June and July) and moulting (July to mid-September) seasons being

most sensitive. Disurbance to harbour seals can reduce time seals spend resting, can change their haul-out patterns, interrupt lactation, and result in mother and pup separation. It advised that harbour seals can habituate to some levels of disturbance over time (eg the same boat passing the haul-out every day), however, new and/or prolonged events can affect the survival of pups and the distribution of animals within the SAC and could cause the abandonment of the haul-outs altogether. It further advised that long term disturbance has the potential to affect successive breeding seasons and numbers of harbour seals in the SAC may decline.

8.2 In its response dated 22 May 2025, NatureScot requested that the Applicant update the HRA to better identify the proposed mitigation for pre-Cardox blasting as the erratum document submitted with the application created uncertainty around the proposed mitigation pathway in relation to the use of Acoustic Deterrent Devices ("ADD"). The Applicant provided an updated HRA report, removing references to the use of ADD, on 14 July 2025. This was provided to NatureScot on 17 July 2025. In its response dated 25 July 2025, NatureScot confirmed the updated HRA now clearly identified the procedures to mitigate against underwater noise.

8.3 NatureScot concluded that with the best practice measures outlined in the HRA, specifically vessels will give the SAC a wide berth and travel at slow speed and soft start procedures as underwater noise mitigation, the CMAL proposal will not adversely affect the integrity of the South-East Islay Skerries SAC.

8.4 MD-LOT agrees with the NatureScot conclusion that the proposal alone will not have an adverse impact on the site integrity of the South-East Islay Skerries SAC, provided the condition in section 4 of this AA is adhered to.

9. In-combination assessment

9.1 MD-LOT has considered whether the CMAL proposal will have a cumulative effect with other plans or projects which, in combination, would have the potential to affect the qualifying interests of the South-East Islay Skerries SAC.

9.2 The following projects currently have an active marine licence, section 36 consent or European protected species licence and could potentially have a cumulative effect with the CMAL proposal. They all have an associated AA which identified a likely significant effect on the same qualifying interests of the South-East Islay Skerries SAC.

Table 4: Projects considered in the in-combination assessment

Project	Description

West Islay Tidal Energy Park	The construction and operation of a tidal generating station, consisting of between 15 and 30 tidal energy convertors ("TEC") and associated cabling located on the seabed within the array boundary making landfall at Kintra on Islay. The generating capacity of each TEC is between 1 and 2 MW. The foundation for each TEC will be (pin) piled to the sea bed.
Geophysical Surveys - West Colonsay to North Ayrshire	Geophysical surveys within the ScotWind W1 PO site and potential export cable corridor. Survey campaigns are planned to occur between June 2021 and August 2027.
Argyll Region - Cable Survey - EPS/BS Licence	Geophysical surveys of 24 cable routes contained within 19 cable corridors in the Argyll marine region with a maximum total survey area of 211 square kilometres. Surveys are due to be complete by 31 July 2028.
Tidal Turbine and associated infrastructure	Installation of a 70kW Swimmer Turbine in the southern end of the Sound of Islay. The power will be transmitted to a power unit of Dunlossit Estate via an umbilical. The proposed start date is Summer 2024 with the operational period anticipated to last 5 years.

9.3 Assessment of in-combination effects on the South-East Islay Skerries SAC

9.3.1 There is potential for in-combination effects with the projects listed above, however provided all projects are carried out in line with any conditions in their respective AAs, any in-combination effects are not likely to be significant and are not likely to adversely affect the site integrity.

10. MD-LOT conclusion

10.1 MD-LOT concludes that providing the condition listed in Section 4 is adhered to, there will be no adverse effect on the site integrity of the South-East Islay Skerries SAC from the CMAL proposal either alone or in combination with other projects.

SECTION 4: CONDITIONS

11. Requirement for conditions

11.1 The following condition is required to ensure the project will not adversely affect the site integrity of the South-East Islay Skerries SAC:

11.1.1 The Licensee must adhere to the Habitats Regulations Appraisal submitted to the Licensing Authority on 14 July 2025.