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## LICENCE/CONSENT VARIATION – VALIDATION OF APPROPRIATE ASSESSMENT

### 1 Licence Details

<u>Licensee/Developer Name:</u>	<u>Mowi Scotland (formerly Marine Harvest (Scotland) Limited)</u>
<u>Site Details:</u>	<u>Kyleakin Fish Feed Mill, Allt Anavig Quarry, Isle of Skye</u>
<u>Date Existing Licence/Consent Issued:</u>	<u>Initial licence issued: 29 September 2017, varied: 28 May 2019</u>
<u>Date of Existing Appropriate Assessment (“AA”):</u>	<u>06 September 2017</u>

### 2 Summary of proposed variation application:

Mowi Scotland was granted marine licences in 2017 to extend an existing pier, construct a temporary jetty, install a long sea outfall, carry out capital dredging and reclaim land at Allt Anavig quarry, Kyleakin, Isle of Skye in connection with the construction of a fish feed mill. Further information regarding the project can be found [here](#). The initial dredging and marine construction works have been completed.

The temporary jetty was initially constructed in order to allow the berthing of a dredge barge and the unloading of dredge spoil. The initial dredging work has been completed to a depth of 6.5m below Chart Datum (“CD”) however the final design depth is 8m below CD. The final design depth has not been achieved due to a lack of funding however, Mowi plans to complete the dredging once money becomes available. It is therefore proposing to reinforce the jetty to allow it to remain permanently to be used for the landing of dredge spoil during future dredging campaigns and also for small work boats or barges landing or collecting personnel and equipment from the site.

The original jetty consisted of a 8m wide rock-filled causeway protected by sloped rock armour ending in a 16m x 7.5m steel sheet piled box forming the head of the jetty. This proposal would see the jetty adapted into a permanent structure by capping the jetty head with concrete and re-dressing the rock armour with additional stone in order to raise the resistance of the jetty to bad weather conditions. Approximately 1500 additional tonnes of rock armour are to be added to the existing rock armour slopes. In order to carry out the additional work to the jetty, a 4 month extension to the construction licence is required, with works now due to be completed by 31 March 2020.

### 3 Summary of consultation responses – in relation to European protected sites:

SNH was consulted on 11 July 2019 and provided its response on 25 July 2019. SNH advised that the proposal was not likely to have a significant effect on the Inner Hebrides and the Minches SAC as the addition of rock armour to an existing structure is unlikely to cause significant disturbance. SNH also noted that the removal of the existing temporary structure, as originally licensed, may have caused significantly more noise. SNH confirmed that pollution risks to mobile species such as porpoise would be small.

In relation to the Lochs Duich, Long and Alsh Reefs SAC, SNH confirmed that, in line with the original proposal, that there was not likely to be a significant effect on the SAC as the works are over 750m outside the site and providing standard good practice measures for pollution prevention are implemented, the risks will be very small.

#### 4 Summary of other information in relation to European protected sites (MSS responses, external reports).

MSS was not asked for advice on this matter and no external reports or advice were sought beyond those provided by the applicant.

#### 5 Updated in-combination assessment:

- a) *Detail new plans or projects since date of existing AA.*
- b) *List plan or project titles for which licences/consents have expired since date of existing AA.*
- c) *Update assessment.*

##### a) **Caledonian Maritime Assets Ltd (“CMAL”), Upgrade to Tarbert Ferry Terminal including Construction and Dredging.**

The CMAL project is to upgrade the existing ferry terminal at Tarbert including the following components:

- Pier demolition, reconstruction and extension;
- Dredging and deposit of dredge spoil; and
- Extension of marshalling area through land reclamation, including construction of a rock armour revetment.

The existing pier will be demolished and temporary fendering will be installed with shore braces for support. The reconstructed and extended pier will be approximately 100 metres long and will be supported on approximately 50 new vertical and raked steel piles. The new pier will incorporate the existing inner and outer dolphins and sacrificial cathodic protection will be installed to help to protect the pier structure from corrosion.

A capital dredge of 50,000m<sup>3</sup> will be undertaken across three dredge areas and all dredge spoil will be deposited at the Stornoway designated deposit site. An area of 13,000m<sup>2</sup> of land will be reclaimed by placing rock fill onto the firm gravel or rock of the seabed, exposed by the dredging activities. A rock armour revetment will be constructed to protect the reclaimed areas. Where access is limited, it is proposed to utilise grout filled mattresses instead of rock armour to ensure slope scour protection.

The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC provided the condition in the AA is implemented.

### **Comhairle nan Eilean Siar (“CnES”) – Ferry Terminal Development – Lochmaddy, North Uist.**

CnES propose to upgrade the existing Lochmaddy Ferry Terminal. The Works include the following components:

- Pier upgrade including repairs and strengthening;
- Capital dredging and deposit of dredged substances or objects; and
- Extension of marshalling area and hard standing area through land reclamation, including construction of a rock armour revetment.

Repair and strengthening works need to be done prior to any upgrade works to the existing pier and involve concrete repairs and installation of new structural components. The pier will then be extended by approximately 35m, providing an overall pier length of 145m. New concrete decking and scour protection will be installed on the extended pier.

The total amount of substances or objects to be dredged is 16,000 wet tonnes and all will be deposited at the designated Stornoway deposit site. Dredging is planned for the winter months when the number of vessels utilising the pontoons and moorings are likely to be lowest.

The marshalling area will be increased and a hard standing area created by extending the north east and north west of the existing marshalling area. To the north west, the small hill between the existing marina facility and the access road to the hotel will be removed to reduce the height to the level of the existing access road. This material will then be used to create a rock revetment along the seaward edge of the proposed marshalling area extension and the remaining material from the levelling works will be used as infill for the land reclamation.

The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Hebrides and the Minches SAC provided the condition in the AA is implemented.

### **Discharge of Chemotherapeutants from Wellboats**

A number of marine licences have been granted to allow the discharge chemotherapeutants from wellboats alongside the cages at finfish farms in the Inner Hebrides and the Minches SAC. Azamethiphos, deltamethrin, cypermethrin and hydrogen peroxide are used in the treatment of sea lice. A marine licence will not be issued until the Scottish Environment Protection Agency (“SEPA”) have issued a CAR licence for the discharge of the same chemicals using the tarpaulin method. As part of the CAR licensing process, SEPA carry out a bespoke modelling process to determine the amount of each chemical that can be discharged and remain below set environmental quality standards. These amounts are conditioned on the marine licences to ensure that there will be no adverse environmental effects from the discharge.

### **Fish farms**

There are a number of fish farms which were identified as having a likely significant effect on the Inner Hebrides and Minches SAC. The table below summarises these projects.

Site Name	Licensee	Licensed Equipment	Dates of Licence
Loch Snizort	Grieg Seafood Shetland	10 ring cages 18 grid moorings 18 buoys 1 feed barge	26/07/2018 – 17/05/2022
Bagh Dail Nan Ceann, Loch Shuna	Marine Harvest (Scotland) Ltd	12 ring cages 26 grid moorings 1 feed barge 1 raft	22/01/2019 – 14/09/2021
Sconser Quarry, Isle of Skye	Marine Harvest (Scotland) Ltd	12 ring cages 34 grid moorings 3 boat moorings 1 feed barge	08/02/2019 – 07/02/2025
Poll na Gille, Sound of Shuna	Mowi Scotland Ltd	12 ring cages 21 grid moorings 1 boat moorings 1 feed barge 1 raft	15/04/2019 – 01/08/2022
East Tarbert Bay, Isle of Gigha	The Scottish Salmon Company	12 ring cages 22 grid moorings 1 feed barge	27/02/2014 – 26/02/2020
Stulaigh Island, South Uist	Mowi Scotland Ltd	14 ring cages 26 grid moorings 3 boat moorings 1 feed barge	30/09/2019 – 29/08/2024
Gravir Outer, Loch Odhairn	The Scottish Salmon Company	12 ring cages 40 grid moorings 2 boat moorings 1 feed barge 1 raft	25/09/2019 – 29/10/2020

b) DP Marine Energy Limited – West Islay Tidal Energy Park, South West of Islay 1 has expired since the date that the previous AA was completed.

c) In the initial appropriate assessment, it was found that there could be a likely significant effect on the Inner Hebrides and the Minches SAC due to the disturbance associated with underwater noise generated through piling, dredging and vessel movements. Piling and dredging works have since been completed and there are also likely to be a lower number of vessels in the proximity of the works given that dredging has concluded.

As such, the effects on the SAC from the Mowi proposal will be significantly reduced and, although there are now more projects to be considered for in combination effects, providing all of the projects are carried out in accordance with the conditions identified in their respective AAs, any in-combination effects will not be significant.

**6 Conclusion - Consideration of whether AA completed for the original decision is still valid:**

The original AA assessed the likely significant effect of the project on the Inner Hebrides and the Minches candidate SAC (“cSAC”). cSAC’s are newly proposed sites which are still at the consultation stage and have not yet been fully designated. However, Scottish Planning Policy (paragraph 210), the UK Marine Policy Statement (paragraph 3.1.3) and Scotland’s National Marine Plan (paragraph 4.45) provide policy protection for these sites which means that they must be considered in the same way as a fully designated site and thus, an AA was carried out. In December 2018, the Inner Hebrides and the Minches cSAC was fully designated meaning that it is now an SAC. Henceforth, this validation now refers to the Inner Hebrides and the Minches SAC under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994.

The AA completed for the original decision is still valid in its conclusion that the proposal is not likely to have an adverse impact on the site integrity of the Inner Hebrides and the Minches SAC, either alone or in-combination with other projects. Many of the activities likely to cause a significant effect on the harbour porpoise qualifying interest have now been completed. Further, the response from SNH dated 25 July 2019 confirms that no likely significant effects upon either Inner Hebrides and the Minches SAC or the Lochs Duich, Long and Alsh Reefs SAC are to be expected as a result of the works to make the jetty permanent.

<b>Name</b>	<b>Assessor or Approver</b>	<b>Date</b>
Neil Macleod	Assessor	27 November 2019
Louise Msika	Approved	28 November 2019