

Appendix I : Consultation Responses & Advice

Scottish Water

Tuesday, 24 August 2021



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,

Fionnphort Harbour, Sound of Iona
Planning Ref: Scoping Request
Our Ref: DSCAS-0047090-BLJ
Proposal: Fionnphort Harbour Redevelopment

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and 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,

Angela Allison

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@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."

Whale and Dolphin Conservation

Hutchison D (David) (MSC)

From: Fiona Read <fiona.read@whales.org>
Sent: 23 August 2021 08:38
To: MS Marine Licensing
Subject: RE: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

Dear Hamish,

Thank you for your email. Due to lack of capacity, we will not be responding to the present consultation.

Best wishes,

Fiona

Fiona Read
Policy officer
End Bycatch

WDC, Whale and Dolphin Conservation
Telephone: [Redacted]
whales.org

PROTECTING WHALES AND DOLPHINS FOR OVER 30 YEARS Third Sector Business Charity Awards **Winner 2021**



From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 20 August 2021 16:57
Subject: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

CAUTION: This email originated from outside of the organization.

Dear Sir/Madam,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations")

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Argyll and Bute Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14(1) of the EIA Regulations.

Northern Lighthouse Board



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: Fionnphort Harbour Development – Scoping Opinion
Our Ref: AL/OPS/ML/A5_01_232

Mr Hamish Wright
Marine Licensing Casework Officer
Marine Scotland – Marine Planning and Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

23 August 2021

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the EIA Regulations”)

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona

Thank you for your e-mail correspondence dated 20th August 2021 relating to the Scoping Report submitted by **Argyll & Bute Council** for the development of Fionnphort Harbour, Sound of Iona.

Northern Lighthouse Board are satisfied with the content of the Scoping Report, and welcome the applicant's proposal to engage with NLB and MCA for a Hazard Identification exercise.

NLB have already responded to the Town & Country Planning Act Application submitted by **Argyll & Bute Council**, in which navigational Lighting and Marking recommendations have been made.

Northern Lighthouse Board will re-state these recommendation in any future Marine Licence application.

Yours sincerely
[Redacted]

Peter Douglas
Navigation Manager

NLB respects your privacy and is committed to protecting your personal data.
To find out more, please see our Privacy Notice at www.nlb.org.uk/legal-notice/

Royal Yachting Association

Hutchison D (David) (MSC)

From: Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>
Sent: 07 September 2021 11:51
To: MS Marine Licensing
Subject: RE: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

Dear Hamish,

I have read the scoping report on behalf of RYA Scotland. We agree with the need to scope in navigational safety and will be happy to contribute to the Navigational Risk Assessment.

I would add that an additional data source for Navigational features and charted information (Table 3.1 on page 10) should be the Clyde Cruising Club Sailing Directions and Anchorages, Kintyre to Ardnamurchan. Note also that high resolution electronic charts of the Sound of Iona are published by Antares Charts (<http://www.antarescharts.com/index.htm>).

Regards

Graham Russell
RYA Scotland Planning and Environment Officer

Pauline McGrow
Senior Administrator
Mob: [Redacted]

Royal Yachting Association Scotland
T: 0131 317 7388
E: pauline.mcgrow@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
T: 0131 317 7388, Fax: 0844 556 9549

Protecting your personal information is important to us, view our full Privacy Statement [here](#)



Ministry of Defence

Hutchison D (David) (MSC)

From: DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>
Sent: 08 September 2021 12:19
To: MS Marine Licensing
Subject: RE: Argyll and Bute Council (Per RPS)–Fionnphort Harbour Development–Fionnphort Harbour, Sound of Iona-Scoping Opinion-Consultation-10052640

FAO Hamish Wright

Thank you for your email request.

After further investigation I can confirm the MoD has no objection to this activity at the location specified.

Kind regards

Debi Parker | Safeguarding Officer | Estates - Safeguarding |
Defence Infrastructure Organisation Head Office |
St George's House | DMS Whittington | Lichfield | Staffordshire, WS14 9PY

| Tel No: [Redacted] |
Email: deborah.parker107@mod.gov.uk

Due to COVID-19 I am working from home until further notice.

In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.



Defence Infrastructure Organisation

Website: www.gov.uk/dio/
Twitter: @mod_dio
Read DIO's blog <http://insidedio.blog.gov.uk/>

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 20 August 2021 16:57
Subject: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

Deadline_19/09/2021

Dear Sir/Madam,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations")

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Argyll and Bute Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14(1) of the EIA Regulations.

Maritime and Coastguard Agency



Maritime &
Coastguard
Agency

Maritime and Coastguard Agency
Spring Place, 105 Commercial Road
Southampton, SO15 1EG

www.gov.uk/mca

16 September 2021

Hamish Wright

Marine Licensing Officer

Marine Scotland - Marine Planning & Policy

Scottish Government, Marine Laboratory

375 Victoria Road, Aberdeen, AB11 9DB

Dear Hamish

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations")

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Iona Harbour, Sound of Iona

Thank you for your email dated 20 August 2021 inviting the Maritime and Coastguard Agency (MCA) to comment on the Environmental Scoping Report from RPS Group Plc on behalf of Argyll and Bute Council.

The report has been considered by representatives of UK Technical Services Navigation. We note that the regeneration scheme includes a new 175m long breakwater south of the existing slipway extending into the Sound of Iona, new berthing facilities in the lee of the breakwater and capital dredging for new navigation channels. The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to marine facilities and any impact on our search and rescue obligations. We would therefore like to comment as follows on the report:

The MCA would expect any works in the marine environment to be subject to an appropriate Navigation Risk Assessment (NRA) to assess the likely impacts to fishing, recreational and commercial traffic within the study area and the likely associated risks to shipping and navigation. We note the applicant's commitment in paragraph 3.1.3 to carry out a NRA, which will be used to support the EIA Report. It is noted that AIS data will be used to inform the traffic analysis and the data should capture seasonal variations. It is understood from the HAZID workshop that 2019 data will be used which is accepted. The NRA should address both the construction phase and the

ongoing safe operation of the site and what is required with regards to risk mitigation. The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the Navigation Risk Assessment and further stakeholder consultation.

We note that the site does not fall within the jurisdiction of a Statutory Harbour Authority (SHA). The new facilities should be treated as Marine Facilities as per Port Marine Safety Code (PMSC - the Code is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties), however we note under paragraph 3.1.3 it states: "*The overall objective is to maintain risk levels within a limit that is deemed 'as low as reasonably practicable' (ALARP) following the requirements of the Port Marine Safety Code (DfT, 2016)*". We would be interested to understand if Argyll and Bute Council have any intentions of applying for Statutory Harbour Authority status through a Harbour Empowerment Order. The MCA advises that further discussion on this takes place.

To address the ongoing safe operation of the marine interface for this project, we would like to point the applicant in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to liaise and consult with the relevant operators and develop a robust Safety Management System (SMS) for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

7.8 Regulating harbour works

7.8.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

7.8.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. In any case harbour authorities should ensure that the MMO or appropriate licensing authority consults them with regard to any applications for works or developments in or adjacent to the harbour area. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- *high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;*
- *high constructions, which potentially affect wind patterns; and*
- *lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.*

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

A preliminary assessment on the potential impacts to Search and Rescue and emergency response in the area will need to be included to ensure there are no impacts on SAR operations.

I hope you find this information useful at this scoping stage. We would welcome further discussions with the applicant and/or their consultants on any of the above.

Yours sincerely

[Redacted]

Nick Salter
Offshore Renewables Lead
UK Technical Services Navigation

Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:
MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300047187

16 September 2021

Dear Marine Scotland

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Fionnphort Harbour Development - Fionnphort Harbour, Sound of Iona - Scoping Opinion
Scoping Report**

Thank you for your consultation which we received on 20 August 2021 about the above scoping report. We have reviewed the details 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 (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

I understand that the proposed development comprises the Fionnphort Breakwater and Overnight Berth Project. The project will provide facilities for the berthing of larger ferry vessels to improve transport links across the Sound of Mull to Iona. We issued an EIA Screening Opinion for the Fionnphort Breakwater and Overnight Berth Project in November 2020 and noted that, although the development will be visible from St Mary's Abbey (SM12968), we were content that significant impacts on the setting of the Abbey are unlikely.

Scope of assessment

We are content that the applicant has provided sufficient information to reach a view on the proposed development. We note that that no known heritage assets are located on Canmore Maritime for the construction footprint or its immediate surroundings, and that



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ALBA

the seabed in the construction footprint and dredging area is one that is subject to regular fluctuation and change through storm events. We therefore consider that the proposed development is unlikely to result in significant impacts on our interests. We are content for cultural heritage as it relates to our statutory interests to be scoped out of the EIAR. However, as noted above you should ask seek a view on this from the relevant local authority.

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Samuel Fox and they can be contacted by phone on 0777 649 0296 or by email on samuel.fox@hes.scot.

Yours faithfully

Historic Environment Scotland

NatureScot

Hutchison D (David) (MSC)

From: Colin MacFarlane <Colin.MacFarlane@nature.scot>
Sent: 17 September 2021 15:25
To: MS Marine Licensing
Subject: RE: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

Dear Sir/ Madam,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the EIA Regulations”)

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona

Thank you for consulting NatureScot regarding this scoping opinion. I note you have requested advice on the following:

“To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.”

I can confirm we have reviewed the scoping document and are content with those matters to be scoped into the EIA process. Regarding our interests, these include: Terrestrial Biodiversity (principally otters), Marine Biodiversity (all interests), Water Quality, Terrestrial Noise and Vibration, Coastal Process and Landscape and Visual Impact Assessment. The scoping report details those surveys and assessments that we require to provide you with advice on the application and we look forward to reviewing these in due course. We have been contacted by the applicants consultants with regards to methodologies, species/ habitat locations and most recently landscape and visual impact assessment. Regarding the latter, we have suggested three additional viewpoints to be included in the LVIA; one view point from outwith the Cal Mac waiting room, one from Fionnphort beach and one from the Sound of Iona (from the Ferry).

Given the proposals location within the Inner Hebrides and Minches Special Area of Conservation, there is a possibility, depending on impacts that the development could have a likely significant effect upon the Harbour Porpoise qualifying interest, and thus the application could be subject to a Habitat Regulations Appraisal. In addition, the scoping report also confirms that there are likely to be species or habitats of interests in the application area, hence we provide the following web links that will help with EIA assessments and, where appropriate, consideration of mitigation/ licence applications etc:

Habitats Regulation Appraisal - <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas>

Priority Marine Features - <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>

Species Protection Plan - <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-protection-plan>

Landscape Assessment - <https://www.nature.scot/professional-advice/landscape>

General - <https://www.nature.scot/professional-advice>

I hope the above is useful. Please don't hesitate to contact me if you require any further information.

Kind regards

Colin MacFarlane | Operations Manager and Argyll Islands Area Officer

NatureScot | The Enterprise Centre | Kilmory Industrial Estate | Lochgilphead | Argyll | PA31 8SH | Tel: [Redacted]

nature.scot | [@nature_scot](https://twitter.com/nature_scot) | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

From: ARGYLL_OUTERHEBRIDES

Sent: 20 August 2021 16:58

To: NORTH_AREAS_CASEWORK

Subject: FW: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

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

Sent: 20 August 2021 16:57

Subject: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona - Scoping Opinion - Consultation - Response required by 19 September 2021

Dear Sir/Madam,

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations")

Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Argyll and Bute Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at:

[Marine Licence - Fionnphort Harbour Redevelopment - Fionnphort Harbour, Sound of Iona | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on **what you consider should be included within or excluded from the scope of the EIA for the proposed works**. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by 19 September 2021. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Kind regards,

Hamish

Hamish Wright

Marine Licensing Officer

Marine Scotland - Marine Planning & Policy

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

Direct Line: +44 (0)131 244 3541

General Queries: +44 (0)300 244 5046

Email: Hamish.Wright@gov.scot

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

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not

Transport Scotland

Hamish Wright
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

ms.marinelicensing@gov.scot

Your ref:

Our ref:
GB01T19K05

Date:
16/09/2021

Dear Sirs,

MARINE LICENCE - FIONNPHORT HARBOUR REDEVELOPMENT - FIONNPHORT HARBOUR, SOUND OF IONA

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by RPS Group 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, we would provide the following comments.

Proposed Development

The proposal comprises a new Breakwater and Overnight Berth for the ferry at Fionnphort, on the south-west corner of the Isle of Mull. The nearest trunk road to the site is the A85(T) at Oban, approximately 70km to the east.

Assessment of Environmental Impacts

Section 3.11 of the SR considers the potential effects of Traffic and Transportation associated with the proposed development. This states that as road connections are not feasible, the material for construction works will be brought to the site via barge, therefore, the traffic and transport impacts will be insignificant.

Given the distance of the development from the trunk road network and the fact that construction materials will travel by barge, Transport Scotland is satisfied that the proposal will not have any significant impact on the trunk road. Consequently, no further information is required in this regard.

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

Yours faithfully
[Redacted]

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

Marine Scotland Science

T: +44 (0)131 244 2500
E: MSS_Advice@gov.scot

Thomas Inglis
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

29 September 2021

FIONNPHORT HARBOUR DEVELOPMENT - REQUEST FOR ADVICE

Marine Scotland Science (MSS) have reviewed the relevant documentation and has provided the following comments.

General comment

MSS recommend splitting the Marine Biodiversity chapter into receptor specific sections with their own identified potentially significant effects and mitigation measures.

Marine Ornithology

With respect to marine ornithology the Scoping Report is presented at a high level thus lacks detail on more specific aspects. Marine ornithology has been included in the 'Terrestrial Biodiversity' section; inclusion in the Marine Biodiversity section or for the EIA in a receptor specific section would be more appropriate.

There is general consideration of species likely to be of interest (page 15), however this does not appear to be an exhaustive list. The EIA will need to give more detailed consideration of key species and where these species have potential connectivity to Special Protection Area (SPA) sites. MSS advise that a long-list approach is taken with SPAs with potential connectivity first identified, then where no Likely Significant Effect can be concluded, sites can then be screened out. It is stated that SPAs within 30 km of the site boundary will be considered (page 16); however given the long foraging ranges of some species (Woodward et al. 2019) MSS note that foraging ranges exceed this distance for several seabird species. MSS therefore advise that careful justification is given for selection of screening distances and that for some species a greater distance will be appropriate, leading to inclusion of more SPAs than have been initially identified (Table 3-2). For many marine bird species it is likely that the area is most important in terms of commuting and passage movements rather than for foraging, given its location with the potential for birds to be funnelled when moving north or south to passing between the Isle of Mull and Iona. MSS note that there is potential for connectivity between the development and Rum SPA (Manx shearwater) and also to the Irish Sea Front SPA, known to be used by birds from Rum (Dean et al. 2015). As such this species should be scoped in for initial assessment.

It is stated that monthly Through the Tide Counts will be used (running from April – August 2021) to record waterbird species present within 500 m of the project footprint. It is noted that this will be an adapted version of a standard methodology (see page 16 for details). It is not clear from this

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland



INVESTORS
IN PEOPLE



description if this survey is restricted to the traditional species included in Wetland Bird Surveys (WeBS) or includes all marine bird species present during observations. If other marine bird species are excluded from these counts then it may be appropriate to also include some targeted vantage point surveys to record other species passing through. MSS also recommend that during construction works a small number of breeding bird surveys are performed where construction activities could cause disturbance during the breeding period, with construction activity that could disturb breeding birds only progressing during the breeding period if suitable mitigation is identified and implemented. MSS would expect this to be considered when drafting the outline Construction Environmental Management Plan (oCEMP) (see section 3.2.5.1 of the Scoping Report).

Potentially significant effects for 'Terrestrial Biodiversity', in which birds are included, are summarised in section 3.2.2. of the Scoping Report by project phase. This is generally appropriate but does not specifically identify vessel activity (other than vessel noise) during construction, which should be considered. The potential for disturbance to breeding birds should also be considered during construction (see point above regarding breeding bird surveys).

Section 3.2.5 outlines approach to mitigation measures, and at this point this has no specific details on mitigation measures during project phases. MSS would welcome opportunity to comment on proposed mitigation measures once these are developed.

Marine Mammals

MSS note that for marine mammals, this is a high-level scoping report that does not explicitly state the sources to be used for defining the baseline conditions, nor an exhaustive list of the marine mammal species that are to be scoped in to the assessment. Once the applicant has undertaken a desk-based review of baseline conditions at the site, MSS would welcome the opportunity to comment on the species that are intended to be scoped in to the assessment. MSS note that the applicant has acknowledged that the area of works lies within the Inner Hebrides and Minches SAC, for which harbour porpoise is a qualifying feature, and the Sea of Hebrides MPA, designated for the protection of minke whale.

3.3.1 Baseline Conditions

MSS recommend Hague et al. (2020) is included in the desk-based review of the baseline conditions for marine mammals. This report incorporates data from the Hebridean Whale and Dolphin Trust, which will likely provide one of the best sources of local information to inform the assessment.

3.3.2 Potentially Significant Effects

MSS agree with the applicant that:

- disturbance from the physical presence of vessels, including increased risk of collision, should be scoped in for the construction and operational phases.
- effects of underwater noise as a result of activities during the construction phase (e.g. dredging, vessel noise and piling) should be scoped in.

MSS recommend that impacts to marine mammals through changes in prey distribution and abundance should be scoped in for the construction and operational phases. MSS expects that the majority of the assessment for this impact pathway would come from the assessment of other relevant receptors (e.g. benthic ecology, fish and shellfish).

MSS advise that dredging/disposal activities and the placement of rock armour could have a potential impact to marine mammals through pathways other than underwater noise. Therefore, MSS recommend that other impacts to marine mammals as a result of these activities during the construction phase are scoped in to the assessment.

MSS advise that for the the assessment of underwater noise impacts in the EIA, a suitable site specific, range dependent, underwater noise propagation model should be used. MSS would expect a detailed methodology and the assumptions used in the underwater noise modelling to be provided for transparency, in order to ascertain that the method used is appropriate to assess potential impacts. MSS are content to provide further advice on suitable underwater noise propagation modelling during the EIA stage of the project.

3.3.5 Preliminary Mitigation Measures

MSS note that no preliminary mitigation measures have been provided for marine mammals in this section. In due course, MSS would welcome the opportunity to comment on a marine mammal mitigation plan.

MSS have reviewed the advice provided by NatureScot in relation to marine mammals. We broadly agree with the statements in the NatureScot advice, but would consider it likely that there would be Likely Significant Effect, requiring an HRA, for the Inner Hebrides and the Minches SAC. We also understand that marine mammal specialists within NatureScot may not have been consulted on this scoping report and would recommend that MS-LOT engages with these individuals.

Marine fish ecology

MSS are content that all potentially significant effects in the Marine Biodiversity section are being scoped in for further assessment and inclusion the EIAR.

MSS note that several marine fish species have spawning and nursery areas that coincide with the Marine Biodiversity Study Area. In particular the area overlaps with spawning areas for sandeel, sprat, *Nephrops* and plaice. The benthic environment survey and sediment composition analysis will aid the classification of sediments and also help to determine the suitability of the area for spawning for the different species listed.

MSS recommend highlighting any fish species which are designated as Priority Marine Species. In addition to this, MSS recommends providing information on fish spawning and nursery periods such as those listed in Coull *et al.* 1998 and Ellis *et al.* 2012 which are key sensitive periods for fish species and considering this in line with the construction programme timeline.

In terms of assessing the effects of increased suspended sediment concentrations and sediment deposition of marine fish and shellfish, MSS also recommend considering fish and shellfish eggs and larvae.

With regards to the effects of underwater noise arising from construction activities (dredging, vessel noise and piling) and in line with marine mammal advice, MSS recommend marine fish species are considered within the underwater noise propagation modelling, with consideration of the timing of these activities relative to marine fish spawning periods. MSS recommend that this is considered in line with sound exposure guidelines for marine fish for pile driving as detailed in Popper *et al.* (2014).

Commercial Fisheries

MSS understand that the harbour area is used by mostly shellfish fishing vessels and that the project team intend to consult representatives of local fishing boat operators. However there is a lack of detailed information presented on the local fishing industry in terms of number of vessels and fishing effort in the area. There is also a lack of consideration of the potential impacts of development on fishing activity, in particular any activities which may cause displacement of fishing activity or restrictions on access to the harbour. MSS also recommend consideration of potential cumulative impacts on commercial fishing in the local area as the Iona Harbour Breakwater Project is being developed in parallel with this development.

MSS understand that the works aim to improve facilities that may benefit fishing vessels however MSS recommend early and effective engagement with the fishing industry and consideration of any activities which may cause displacement of fishing activity.

Benthic ecology

MSS welcome the proposed desktop assessment and benthic survey. Note there is data available on the [National Biodiversity Network Gateway](#) within the Sound of Iona. MSS advise that the sampling points should take into account the direction of current with the aim to sample the area that could be impacted by movement of suspended sediment as a result of dredging activities. There should be a greater survey effort on the area to be dredged as this area would experience the highest level of disturbance and habitat loss.

Section 3.2.2.1

MSS agree with the potentially significant effects scoped in but would also include,

Impact of introduction of marine non-native species. A new harbour wall or structure provides an empty niche for colonisation by species with a preference for hard substratum, some of which may be non-natives. Increased movement by vessels may increase risk of introduction of non-native species.

Change in hydrological conditions (current, water flow, wave height and strength) and the effect on surrounding benthic and intertidal communities.

Note that the impacts should be assessed on the intertidal feature as well as sub-tidal.

MSS confirm that the links provided by NS are valuable for inclusion of listed species and habitats.

Section 3.3.4.1

MSS advise that in addition to Annex I features, the survey should identify whether Priority Marine Features and OSPAR Threatened and Declining species exist within the impacted area.

Diadromous Fish

The scoping report lacks detail with respect to diadromous fish. MSS agree that Atlantic salmon, sea trout and European eel are likely to occur close to the development site, and that the potential impact mechanisms have been identified and scoped in.

Salmon, sea trout and eel are all of high conservation interest. Scotland is a stronghold for salmon and sea trout but stocks are currently at a low level and the populations of many rivers are no longer resilient to losses. Numbers of eels have also declined greatly in recent decades.

The marine feeding areas for salmon are to the north of Scotland, but largely outwith Scottish waters. Salmon migrate to them as young fish (smolts), or as post-spawning adults, and return from them to spawn in their natal river or stream. The smolts, which mainly leave the rivers in April and May, may be particularly vulnerable to the potential impact mechanisms as, due to their small size, they are less able to take avoiding action.

Sea trout have a similar life history to salmon, but generally appear to use coastal areas, estuaries and sea lochs near the river mouths as their sea feeding areas prior to their return to spawn in their natal river or stream.

The spawning areas of eel are in the Sargasso Sea in the western North Atlantic Ocean and the young fish migrate from there to rivers across Europe. Eels ~~do are not known to~~ home ~~in to on~~ particular river systems, and the population appears to be entirely mixed across Europe.

There is uncertainty about the numbers of salmon and sea trout which occur in the development area, and there are no major rivers in the immediate vicinity. There are various on-going tracking programmes for acoustically tagged salmon smolts, but none to date have had receivers in the vicinity of the development area. In 2016 and 2017, tagged smolts were tracked using fixed receivers as they emigrated from the rivers Lochy and Awe, two important salmon rivers on the Scottish mainland, but there were no receivers in the vicinity of the Sound of Iona.

The Mull District Salmon Fishery Board, if there is one at present, should be consulted.

NatureScot did not provide comments with respect to diadromous fish.

Physical Processes

As previously stated in the response to the screening request, MSS recommend that aspects of natural tidal scouring and changes in tidal stream velocities (and therefore turbulence) should be explored in more detail as part of an EIA.

In the screening report it was also suggested that should further modelling be required, collection of hydrodynamic and sediment transport conditions should be considered to support calibration validation. This would include waves in the sound, tidal currents in the sound and suspended sediment transport. This would be desirable at several locations and MSS would agree that further data collection would be useful to validate the models and gain confidence in the results.

The scoping report suggests simulations will be carried out in the context of extreme storm events, including typical winter/summer periods. MSS support the inclusion of these simulations to evaluate different events, including a 1:100 year storm event as a worst case scenario.

Cumulative effects with works on the Iona side also need to be considered. Model outputs with the proposed scenario will vary depending on the proposed works at Iona so a combined modelling study would be useful.

To summarise, MSS agree that coastal processes need to be scoped into the EIA and that hydrodynamic modelling (including waves, sediments, cumulative effects) should be undertaken.

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We hope that these comments are helpful to you. If you wish to discuss any matters further then please contact the REEA Advice inbox at MSS_Advice@gov.scot

Yours sincerely,

Renewable Energy Environmental Advice group
Marine Scotland Science

Marine Scotland - Marine Analytical Unit

Fionnphort Breakwater and Overnight Berth Project - Scoping Report

The Fionnphort Breakwater and Overnight Berth Project Scoping Report includes descriptions of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

Overall, the assessment of potential social and economic impacts in the scoping report is quite narrow. We would expect a broader range of social and economic impacts to be considered and for this to be done through a Socio-economic Impact Assessment. As the development is relatively small, we recognise that the detail included in the SEIA should be proportionate. Nonetheless, there is room for a more thorough assessment of the socio-economic impacts than currently presented in the scoping report.

Stakeholder engagement

There is very little, if any, mention of plans to engage with stakeholders. Engaging with stakeholders, checking assumptions and asking them whether they anticipate impacts from the development, is crucial for impact assessment.

The introduction includes a list of people who currently use the pier currently:

- The Iona ferry
- Crab fishing vessels
- Leisure boat operators
- Private boat owners

These people should be contacted as part of stakeholder engagement for this project.

The introduction also mentions that the following services are currently impacted by weather related disruption of the Iona ferry:

- Medical
- Educational
- refuse collection
- business delivery etc.

Local people in Iona who may have experienced these impacts should also be included as part of stakeholder engagement for this project.

We would also recommend that people living in the general area (i.e. the local community/residents) should also be included whether it is expected that they will be impacted or not, to be able to share their views on the development.

Context and Baseline

The scoping report gives very little context about the communities in Iona or Fionnphort who may be affected by this project. The report should provide details of the following:

- the population in Iona and Fionnphort – demographics
- businesses in each area but Iona especially, whether and how they rely on the ferry
- the schools and school children who rely on the ferry
- other useful contextual information

The report does not provide much baseline information and so it is hard to determine how big the impacts might be. The report suggests that the main changes brought about by the development will be:

- Overnight berthing for ferries and other vessels
 - No need for dinghies to travel to and from vessels
- Protection from southerly and westerly wave action
- Reduced disruption to the ferry service due to bad weather

There is no information given about the **current level** of disruption, caused by bad weather, to the ferry service or other users of the pier. As there don't seem to be plans to expand the ferry service, the main impact would stem from a reduction in disruption.

Baseline information should be included on the following:

- The level of disruption currently experienced i.e. number of ferry trips cancelled
- Implications of disruption i.e. number of school days missed, business supplies undelivered
- Knock on effects i.e. business closure due to missed deliveries?
- Less tangible effects i.e. potential anxiety related to uncertain medical supplies?
- Engaging with the community will be essential for identifying important baseline information to collect

The economic baseline may also include:

- Employment and unemployment levels
- Structure of working age population/skills/qualifications
- GVA

Impacts

Overall, the scoping report focuses on a much too narrow range of impacts. Given the rationale for the project described in the introduction, it is a surprise that the potential positive impacts of the project are not mentioned or explored.

Potential social and economic impacts will likely stem from the construction work of the project, the impacts of an improved ferry service and any additional economic activity that the project may facilitate (e.g. crab fishing vessels). Annex 1 and 2 give examples of social and economic impacts to consider, some of which might be relevant here.

The scoping report does not go into detail on how the specific social and economic impacts that may arise as a result of the proposal will be assessed. A description of the methods to be used would be beneficial.

Construction

The construction is estimated to take 52 weeks. The report does not mention what impact construction might have on the ferry service between Fionnphort and Iona. The section on 'Traffic and Transportation' only discusses traffic and so does not mention ferries.

The weather-related ferry disruption is reported to have impacts on essential services such as medical supplies, education, business deliveries and refuse collection. The report should,

therefore, detail how these might be affected by disruption during the construction phase, and how these impacts will be mitigated. Any potential disruption to economic activity during the construction phase should be described and assessed. It should also be noted that potential disruption to the provision of medical supplies, especially over a 52 week period, may constitute a health and safety risk.

There is no discussion of employment related to the project. Information about employment associated with the construction phase should be detailed, including:

- The number and type of jobs
- Who will fill these positions and where are they coming from – locally, regionally?

Operation

There is potential for a number of positive impacts during the operation phase of the project, which are not mentioned in the report.

- Reduced weather-related disruption to the ferry service, with potential benefits for services such as medical, educational, business delivery etc.
- Reduced health and safety risk to ferry boat operators (no more need to travel to the ferry in a dinghy)

These impacts should be described and assessed. There may impacts which would emerge through engagement with relevant stakeholders.

The report mentions further economic opportunities which are not adequately explained:

- The scoping report suggests there will be an increase in tourism as a result of the proposal. As the proposal does not involve the introduction of a new ferry service, will the increase in tourism only relate to avoided ferry disruption? What will be the resulting economic impacts of this increase?
- It is mentioned in the scoping report that the proposals will facilitate wider economic development. What will be the expected increase in economic activity associated with this?

Monitoring

There is no mention of monitoring the socio-economic impacts of the project. While we recognise that the project is small and with fairly little potential for negative impacts, some monitoring after the completion of the project is recommended.

Annex 1

Key components of an economic impact assessment

1. Establishing the life and stages of the Project. In this case these would be construction and operation.

2. Establishing and developing the baseline:

- This is the starting point for the economic assessment and the benchmark against which to measure impacts.
- Start with a study of the local and regional area:
 - Industrial structure i.e. existing businesses in the area
 - Socio-economic conditions i.e. levels of employment, income etc.
 - Related industries i.e. fishing/crab vessel operators, leisure boat operators etc.
 - Local planning policies, where relevant
- Select a range of indicators, e.g.:
 - Employment and unemployment levels
 - Structure of working age population/skills/qualifications
 - GVA

3. Identifying and scoping the economic factors:

- Economic impacts ideally clearly stated in:
 - Life and stages of project i.e. construction, operation
 - Direct, indirect, induced
- Economic Factors
 - Impacts related to GVA
 - Impacts related to employment, skills and training
 - Impacts on related industries – tourism, fishing, etc.

4. Distributional Impacts:

- Distribution of impacts across different individuals, groups or businesses.
- Screening – identification of likely impacts
- Assessment – confirmation of area impacted and analysing the characteristics of the groups in the area which will be impacted
- Appraisal – Core analysis of the impacts

Annex 2

Table Error! No text of specified style in document. Types of socio-economic impact (taken

<ol style="list-style-type: none">1. Direct economic:<ul style="list-style-type: none">• employment, including employment cohort and safeguarding of existing employment;• unemployment and underemployment• characteristics of employment (e.g. skill group);• labour supply and training; and• other labour market effects, including wage levels and commuting patterns2. Indirect/induced/wider economic/expenditure:<ul style="list-style-type: none">• employees' retail expenditure (induced);• linked supply chain to main development (indirect);• labour market pressures;• wider multiplier effects;• effects on existing commercial activities (eg tourism; fisheries);• effects on development potential of area; and• GVA and GNP.3. Demographic:<ul style="list-style-type: none">• changes in population size; temporary and permanent;• changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and• settlement patterns4. Housing:<ul style="list-style-type: none">• various housing tenure types;• public and private;• house prices and rent / accommodation costs;• homelessness and other housing problems; and• personal and property rights, displacement and resettlement5. Other local services:<ul style="list-style-type: none">• public and private sector;• educational services;• health services; social support;• others (e.g. police, fire, recreation, transport); and• local authority finances6. Socio-cultural:<ul style="list-style-type: none">• lifestyles/quality of life;• gender issues; family structure;• social problems (e.g. crime, ill-health, deprivation);• human rights;• community stress and conflict; integration, cohesion and alienation; and• community character or image7. Distributional effects:<ul style="list-style-type: none">• effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice

from Glasson 2017¹)

¹ Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), *Methods of Environmental and Social Impact Assessment*, Abingdon: Routledge

Argyll and Bute Council

CONSULTEE RESPONSE OF ARGYLL AND BUTE COUNCIL

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (as amended)

SCOPING OPINION – FIONNOPHORT HARBOUR REDEVELOPMENT, FIONNOPHORT HARBOUR, SOUND OF IONA, ARGYLL AND BUTE

BACKGROUND

Argyll and Bute Council applied for planning permission in October 2020 for;

1. Application Reference - 20/01499/PP - Construction of rock armour breakwater and steel monopile overnight berthing facility, including walkway, gangway access and associated works, at Fionnophort Ferry Slip, Fionnophort, Isle of Mull

The Argyll and Bute Council also sought a screening opinion in September 2020 relative to;

2. Application Reference – 20/01540/SCREEN - Screening opinion for proposed breakwater and berthing facility, at Fionnophort Ferry Slip, Fionnophort, Isle of Mull

Following ongoing communications with the Planning Authority and in response to matters raised by third party representations and Consultees it was confirmed to the Planning Authority on the 15th of December 2020, that the applicant had determined it would undertake a full EIA on their own accord. In response the Planning Authority conformed both applications should therefore be withdrawn and in the case of the application for planning permission, this should be resubmitted with the inclusion of the EIA as a material consideration.

MATTERS OF INTEREST

The proposed development comprises the construction of a rock armour breakwater and steel monopile overnight berthing facility, including walkway, gangway access and associated works at the existing Fionnophort Ferry Slip. The works include dredging, transportation and disposal of sediments, rock armour revetment, piling and mooring systems, access platforms and walkways. The Development is positioned within a noted area of panoramic quality and which contains a number of ecological values. The impacts to landscape and or seascape will be particularly relevant to any decision and are reflected in the comments and observations below.

Main policy considerations / Summary

National Marine Plan:

The proposed is required to take into consideration General Policies (GEN: 1, GEN: 2, GEN: 3, GEN: 4, GEN: 7 and GEN: 8) of the Plan, including the relevant shipping, ports and harbours and ferries policies TRANSPORT 3, 4 and 5.

Local Development Plan:

The adopted and current LDP, in terms of its key spatial settlement policies, does not specifically provide for development of the scale proposed. Nor does it define scales of development for breakwater structures. Therefore in order to justify the development it will be necessary to consider it as both an exceptional case and as essential infrastructure. The proposal is a one-off development which serves a community interest and meets with support

through Policy LDP 4 which recognises that the coast will sensibly accommodate proposals with a locational need, as is clearly the case here. The proposed development, by its very nature, requires a coastal location. Policy LDP 5 recognises that the success of our local economy is fundamental to Argyll and Bute's future prosperity, helping to retain population and attract new people to the area. The proposed facility will serve a varied demographic on the Isle of Mull which will in turn assist in the delivery of sustainable economic growth in accordance with policy LDP 5. This is reinforced through SG LDP CST 1 – Coastal Development and SG LDP TRAN 8 Piers and Harbours.

Local Development Plan 2:

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting will need to be considered in detail.

A detailed assessment against the relevant settlement strategy and policy context must form part of any detailed assessment provided.

Flooding

It is understood that the proposed breakwater and overnight berth are not for flood protection but rather for protection of the ferries from rough seas. With reference to the drawings previously provided to the Planning Services in the planning application document, the top of the piers will be circa 1m above the 200 year still water level, this is to be in accordance with the Council's Flood Planning Supplementary Guidance Policy SG LDP SERV 7. A flood risk assessment having regard to both direct and indirect impacts should form part of any assessment provided.

Ecological / Biodiversity Impacts

The Sound of Iona is identified as having specific conservation interests and designations including;

1. Forming part of the Inner Hebrides and Minches Special Area of Conservation (SAC), partly designated for harbour porpoise;
2. Forming part of a Marine Consultation Area, whereby other conservation designations overlap and are intended to protect cetaceans, such as Minke Whale and Basking Shark
3. Having distributions of Seagrass Beds, a nationally important Priority Marine Feature.
4. The coastline is noted for Otter (*Lutra lutra*), being a European Protected Species as well as for ground nesting birds.

Having regard to the above specific species management plans, ecological surveys along with a construction environmental management plan must form part of any wider assessment. For example, a cetacean protection plan that offsets any direct and indirect impacts from construction upon harbour porpoise must be considered. Included within this plan should be full details of piling activities (acoustic levels, timing, duration etc.), bedrock drilling (if required) and other marine acoustic impacts that may lead to disturbance of this species. The document must include mitigation to offset any potential impacts upon harbour porpoise, adhering to Best Practice guidance as required. The same best practise guidance must be applied to consideration of any impacts on other species.

The Sound of Iona is noted to have distributions of Seagrass Bed, a nationally important Priority Marine Feature. Seagrass beds can be smothered by the effect of dredging and siltation. The applicant must undertake a visual survey to establish the extent of seagrass

beds within areas affected by construction, dredging and increased sedimentation associated with current regime change. Any such surveys should consist of video/ photo images from full ROV runs, diver footage or drop down survey. An assessment of the potential direct and indirect impacts of the development upon the PMF resource and details of any mitigation proposed to offset impacts to an acceptable level.

Impacts to Water Quality

The Sound of Iona is classified as a High Quality Coastal Water Body under the Scotland River Basin District. Whilst any dredging siltation impacts may be localised it would be expected that any assessment considered those impacts in more detail and have regard to guidance and best practise produced by the Scottish Environmental Protection Agency.

Landscape and Visual Impacts

The site is located within a regionally significant scenic area and has at least 4 designated Local Nature Conservation sites within proximity to the development. The development is also positioned within a relatively undeveloped coastal environment whereby the development proposed will constitute a substantial structure in landscape and seascape terms. It is absolutely critical that any detailed assessment consider the landscape and visual impacts of the development. In particular full visualisations and photo montages should accompany any assessment undertaken whereby any direct and potential cumulative visual impacts are considered and evaluated. Whilst navigation lights and markings are a matter for the Northern Lighthouse Board to consider any visualisations, including night time impacts, should account for navigational requirements in any assessment.

Impacts on Other Users

The Council is required to protect public access rights along the foreshore for non-motorised users. Consideration of any impact to foreshore access both during and post construction should be evaluated and considered.

The Sound of Iona is popular for sea kayaking. Most of these paddlers stay in close to shore as swell and waves can increase in size rapidly as you move further into the sound. The scale of the development proposed will extent further into the sound than the existing pier and ferry infrastructure. This will force paddlers further out into the sound, increasing potential risk depending on sea levels and sea conditions. The geometry of the sound means that large tidal currents can be experienced. The impacts the development may have on localised sea conditions needs to be explored and understood, particular if the design may influence wave refraction, tidal velocity or current directions. In addition the height of the structure may obscure visibility for craft at water level and consideration of navigational issues of this nature should also be explored.

The development also has the potential to impact sail boats and the use of the Sound of Iona for pleasure boating. Consideration and the scoping of any adverse impacts on navigation and or anchorage of recreational vessels should be explored. The creation of shelter in the harbour may provide a better occasional access point for recreational boaters but the ferry movements only permit this for short periods on any given day. The potential release of mooring space in Bull Hole may be beneficial for recreational boaters.

Noise

Noise impacts and mitigation including during both construction and operating noises should be considered. It is noted some of those impacts are covered in consideration of ecological and or construction environmental effects.

Impacts to existing infrastructure assets

Existing roads infrastructure and Scottish Water assets are located near to the development. Consideration of direct impacts on these assets should be considered.

Construction Works Methodology and Road Infrastructure Impacts

The proposed works methodology and impacts on the road networks should be considered in detail along with any traffic mitigation. It has previously been confirmed to the Planning Authority that delivery of materials for this development would be by sea. This matter should be reaffirmed following detailed design considerations being completed.

SUMMARY

In summary; the following matters should be considered within the Environmental Impact Assessment process;

- Landscape and visual amenity impacts
- An assessment against the planning policy context
- Flooding impacts
- Ecological and Biodiversity Impacts
- Impacts of water refraction or changes to local sea conditions
- Impacts to water quality
- Impacts on other users
- Noise Impacts
- Impacts on existing infrastructure assets, traffic and roads infrastructure.

Should you have any questions please feel free to contact myself to discuss further.

Regards

[Redacted]

Jamie Torrance
Planning Officer
Argyll and Bute Council

Iona Community Council

Response from Iona Community Council to
FIONNPHORT BREAKWATER PROJECT Environmental Scoping Report
Prepared by RPS for Argyll and Bute Council

Dear Sir/Ms,

I write on behalf of the Iona Community Council: response to this letter should be sent to iona-community-council@googlegroups.com

Iona Community Council (ICC) have been following closely Argyll and Bute Council's project to construct an Overnight Berth for the vessel on the lifeline ferry service to Iona from Fionnphort on Mull, including breakwaters to protect the berth at Fionnphort and the landing at Iona. We are supportive of the council seeking to improve the reliability of our lifeline ferry service to Iona by the provision of appropriate infrastructure on both sides of the Sound of Iona.

Please find enclosed the comments on the environmental scoping report for the Fionnphort breakwater project.

By way of preamble, ICC has had sight of the document 'Fionnphort Breakwater Project Environmental Scoping Report', about which they had received no formal notification even although Iona is directly affected by the project. We believe that within the provisions of the Islands Act that we should have been included in the report's circulation. The ferry from Fionnphort is our lifeline to Mull and onwards to the mainland. Whatever decisions taken in respect of improving the ferry's berth, its ability to sail, as well as for other pier users from Iona (commercial, fishing, charter and leisure) could considerably impact on Iona's islanders and visitors.

The correspondence referring to the report indicates a deadline for comment by 19th September.

ICC provide comment on this document; however importantly would wish to see the equivalent **Scoping report for Iona Breakwater EIA** in order to have the opportunity to respond.

Response limitations

Responding to the currently available scoping report for the 'Fionnphort Breakwater and Overnight Berth Project' is complicated by our not knowing whether there will be an equivalent scoping report published for the Iona Breakwater project. (Attempts to have the question answered before the deadline for comment on the Fionnphort scoping report have proved impossible, as staff at Argyll and Bute Council were either unable to answer the question or were unavailable on leave, and e-mail responses from Marine Licensing Scotland were limited to a 10 day response period and phone lines were unmanned due to COVID and home working.)

In the absence of information this response is based on the possibility that the Fionnphort Breakwater Scoping report is going to be the only 'relevant' document, a situation which we would find wholly unsatisfactory.

Consultation

Statutory consultees were not notified. ICC should have been consulted.

The report scopes out the importance of this project for communities on both sides of the Sound of Iona and we are keen to see the improvements completed as soon as possible. We ask you to recognise the legitimacy of our interest in the report and that you confirm you will include our comments in your consideration of the other representations you receive.

As far as we are aware, the National Trust for Scotland who hold most of the land on Iona and have other properties namely Staffa, and Burg on Mull, all within the report's scope, were not consulted.

South West Mull and Iona Development who have significant involvement in strategic planning for the area and whose Sound of Iona Harbours Committee has had considerable input during the design brief stage of the project and comment as the design has evolved, were also not notified about the Fionnphort scoping report.

Inclusion of Iona Breakwater to be considered on an equally important basis as the Overnight Berth at Fionnphort.

The report's title page shows a photograph of Iona, which confuses the reader as to the report's remit and geographical scope. We quite reasonably expect that all aspects of the Iona breakwater project should be afforded the same level of environmental scrutiny and assessment.

ICC would wish to see the equivalent Scoping report for Iona Breakwater EIA in order to have the opportunity respond.

3.16, p.75 – Cumulative effects and environmental interactions – paragraph 2 points to the separate but related/integral Iona breakwater project. Appendix A, p.81/82 letter from Marine Scotland supports the expectation that there will *be an Environmental scoping report for the Iona project.*

Can you advise when this scoping report will be published?

Context, 1.1 and Objectives, 1.2 – relate only to the Fionnphort project.

2.1.2, Project Need p.3, recognises the 'direct impact on the lives and people who live there.' – on Iona! This section explains that the reason for the report is part of the project which will improve berthing for and of the ferry. The ferry exists to connect Iona to Mull – it is a lifeline ferry connection, '... essential services (to Iona) being affected – medical, educational, refuse collection, business delivery, etc.'

- 28 primary school days were disrupted alone in winter 2020/21 before any impact on secondary education, refuse, delivery, medical, postal and other services are accounted for – with impact on islanders' quality of life in its widest sense.
- The 'solution' is not only at Fionnphort, though – improving berthing at Iona is equally critical.
- p.4 notes that Argyll and Bute Council recognised the need to improve the infrastructure, undertaking various processes since 2015, six years ago – **the need is even greater now.**

3.1.0.1, p.63 – Paragraph 4 – highlights the connectivity the ferry brings – as a lifeline and the importance of tourism-arguments for the work being

undertaken on both sides of the sound in tandem.

Lack of economic analysis.

The scoping report does not satisfy a rigorous consideration of potential benefits beyond the provision of the Overnight Berth at Fionnphort and the Breakwater at Iona. There is no assessment of considerations to maximise the extensive harbour opportunities that could be made possible by the project.

There is not an expectation that Argyll and Bute Council would develop all the opportunities that could be possible, ***however a wider assessment should be made which ensures that other projects are enabled rather than handicapped.***

One of the objectives of the EIA is to “define other projects and plans that may need to be considered as part of an assessment of cumulative impacts”. We are concerned that transport, pier facilities, pier surroundings and marine tourism are not being considered as part of the scoping exercise. Considerable work has already been done to explore future possibilities and a ‘Sound of Iona Masterplan’ resulted from much consultation in 2013 and was signed off by the community and also the Argyll and Bute Council Oban, Lorne and the Isles Area Committee.

Iona Breakwater

ICC does not consider that the Fionnphort Scoping Report meets the requirement for rigorous examination of factors affecting Iona; being ‘considered’, as part of the ‘Cumulative Effects and Environmental Actions’ is insufficient.

Currently the only topics included for Iona are Iona Rock Armour Breakwater, Piling, and Dredging.

This leaves several other aspects (scoped in for Fionnphort) not considered separately and completely for Iona, ***leaving other key Iona aspects unresolved. These include Marine biodiversity, and Landscape and Visual.***

Scoped out for the Fionnphort Breakwater Scoping are Land, Soils, Geology and Hydrogeology; Air Quality and Climate change; Material Assets; Traffic and

Transportation; Cultural Heritage; and Waste. ***These are all aspects that we reasonably expect be scoped within an environmental scoping report examining the Iona Breakwater project.***

To conclude:

- ICC re-states its support for improvements to the ferry infrastructure on both sides of the Sound of Iona;
- The improvements are functional but also need to be sympathetic to the natural, heritage, cultural and practical needs of the communities on both sides of the Sound (they are being designed for a 120 year lifespan);
- Their upgrade is long overdue and their completion is a matter of priority;
- A separate Iona breakwater project environmental scoping report is essential;
- Please confirm that you will include our comments in your consideration of all representations you receive.

Mull Community Council

Hutchison D (David) (MSC)

From: Nicholas Duffin <nicholasduffin@gmail.com>
Sent: 29 September 2021 09:52
To: MS Marine Licensing
Cc: Morven Gibson; lona-community-council@googlegroups.com
Subject: Fionnphort Harbour Development, Sound of Iona

MULL COMMUNITY COUNCIL

Dear Sir,

We would like to fully endorse the communications sent to you by Iona Community Council and South West Mull and Iona Development Trust concerning the Environmental Scoping Report for the Fionnphort Breakwater Project. As we have only one member on our Council from the Ross of Mull we asked SWMIDC to put in their report for us. We have seen both communications and hope you will take into consideration the important points that have been raised by the people the development will affect the most.

Regards

Andrena Duffin. Sec. MCC

Sent from my iPad

Sound of Iona Harbours Committee

Hutchison D (David) (MSC)

From: Morven Gibson <mgibson@swmid.co.uk>
Sent: 19 September 2021 20:26
To: MS Marine Licensing
Cc: Finlay MacDonald
Subject: Argyll and Bute Council (Per RPS) – Fionnphort Harbour Development – Fionnphort Harbour, Sound of Iona
Attachments: 1 Masterplan.pdf

The Sound of Iona Harbours Committee (SolHC), a sub group of South West Mull and Iona Development, are submitting the following points in response to the environmental scoping report for the Fionnphort breakwater project.

- South West Mull and Iona Development/Sound of Iona Harbours Committee support improvements to the infrastructure in the Sound of Iona.
- SolHC have noted that the Marine Scotland consultation has missed out two statutory consultees – Iona Community Council and National Trust for Scotland. South West Mull and Iona Development (SWMID), who have been engaging with Argyll and Bute Council, through sub group SolHC, were not aware of the consultation process and were not consulted.
- One of the objectives of the EIA is to “define other projects and plans that may need to be considered as part of an assessment of cumulative impacts”. We are concerned that transport, pier facilities, pier surroundings and marine tourism are not being considered as part of the scoping exercise.
- While we understand that A&BC are committed to building an overnight berth for the ferry in Fionnphort, and are not developing other aspects, a much more holistic approach to the scoping exercise should be applied to ensure that other developments or plans are not undermined but can be supported by the development.
- The Sound of Iona Masterplan was commissioned by SWMID in 2013 (copy attached for info). The plan was consulted on widely within the local community and local people saw it as a sensible approach of developing infrastructure to address the aim of facilitating regeneration in the settlements on each side of the sound.
- The principal development concepts of the masterplan involved safe berthing and landing for the ferry (currently being addressed by A&BC); redesign of the pathways, coach and car parking facilities; redevelopment of the visitor facilities and provision of commercial spaces; ferry passenger management on Fionnphort and Iona; marine tourism opportunities.
- The masterplan was signed off by the community and also the Argyll and Bute Council Oban, Lorne and the Isles Area Committee.
- It is fundamental that the EIA scoping exercise considers the impacts and possibilities of the Fionnphort Berthing developments in relation to future projects. Future projects include not only those which the community intend to progress in line with the Sound of Iona Harbours Masterplan but also future work which A&BC may progress including path, road, and parking improvements and developments.
- SolHC believe that if carried out in a more holistic capacity then the results of the scoping exercise could contribute to enabling future projects.
- An economic analysis to demonstrate the impact of the harbour developments would be valuable for all stakeholders and would enable the extensive opportunities which can be made possible by the development.
- A separate environmental scoping report for the Iona breakwater is essential.

Please confirm that these points will be included with other representations and given your consideration.

Best wishes,

Morven Gibson
General Manager

South West Mull and Iona Development
01681 700021



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Company No: 472460; Registered Address: Columba Centre, Fionnphort, Isle of Mull, PA66 6BL



Scottish Environment Protection Agency

Our ref: !!SREF!!
Your ref: !!CPREF!!

If telephoning ask for:
!!OFFICER!!

!!CPNAME!!
!!CPORGNAME!!
!!CPADD!!
!!CPADD2!!
!!CPADD3!!
!!CPADD4!!
!!CPPCODE!!

INSERT DATE

By email only to: !!CPEMAIL!!

Dear !!CPNAME!!

!!LEGISLATION!!!!SUMMARY!! !!SITE!!

Thank you for consulting SEPA on the screening / scoping opinion for the above development proposal by way of your letter of dd month yyyy, which we received on !!DATED!!. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Delete next paragraph if only providing scoping advice

We consider that, with respect to our interests, Environmental Impact Assessment is / is not required for the above proposal. Whether or not Environmental Impact Assessment is required, to **avoid delay and potential objection** the following key issues must be addressed and information submitted in support of the application.

Delete next paragraph if only providing screening advice

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection** the following information must be submitted in support of the application.

List key site specific issues identified or remove this section

While all of the issues below should be addressed in the Environmental Statement (ES), there may be opportunities for several of these to be scoped out of detailed consideration. The justification for this approach in relation to specific issues should be set out within the ES. We would welcome the opportunity to comment on the draft ES. Please note that we can process files only of a maximum size of 25MB and therefore, when the ES is submitted, it should be divided into appropriately sized and named sections.

1. Scope of the ES for marine developments <Delete this section if only offshore development proposed>

- 1.1 From the information submitted we understand the development will include both onshore and offshore components. As such, the development will be subject to a range of different consenting regimes. We encourage you to consider producing a single ES, which covers all aspects of the proposed development. This will enable a full assessment of the potential effects of the development as a whole, rather than assessing certain details of the development individually.

2. Water Framework Directive and River Basin Management Planning

- 2.1 The Water Framework Directive (2000/60/EC) was implemented in Scotland through the Water Environment and Water Services (Scotland) Act 2003 (WEWS). This legislation requires SEPA to lead and co-ordinate in the Scotland and Solway Tweed river basin districts to protect and improve Scotland's water environment. Further information is available from the [River Basin Management Planning](#) section of our website. [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(as amended\) \(CAR\)](#) provide controls over activities affecting the water environment.
- 2.2 Engineering works in transitional (estuaries) and coastal waters are not regulated by SEPA under CAR. Such works below the Mean High Water Springs mark or in any tidal river up to the tidal influence will require a marine licence from Marine Scotland Licensing Operations Team, designated a Responsible Authority under The Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) (Scotland) Order 2011 made under Section 2(8) of WEWS. By this designation Marine Scotland is required to ensure that marine licensing assists in the delivery of River Basin Management Planning objectives. Similarly, planning authorities are designated Responsible Authorities by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. In order to meet the requirements of the [Water Framework Directive](#) Responsible Authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Water Framework Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015.
- 2.3 River basins comprise all surface waters, including transitional (estuaries) and coastal waters extending to 3 nautical miles seaward from the territorial baseline. Within the River Basin Management context, the ES should identify if the impacts of the proposal are likely to lead to deterioration of the marine environment or present opportunities for improving the marine environment. Marine Scotland and, where applicable, the planning authority, must take this into account in considering the application due to their designation as Responsible Authorities.
- 2.4 The Water Framework Directive (WFD) requires considerations of Scotland's water bodies in terms of their chemical, biological and hydromorphological parameters and combines these parameters to score each water body in terms of its status, ranging from bad, through poor, moderate, good to high. A system of River Basin Planning has been put in place to ensure delivery of the WFD and manages the current targets set for each water body in support of Directive targets.
- 2.5 Water body data collated in support of the WFD is available on the [Scottish Environment](#) website and should be used in assessing any development proposal. The website provides data on the overall status of all Scotland's water bodies, with the options of filtering by local

authority, catchment or water body name or alternatively just panning across the map. A summary table of the 'overall status' and an indication of whether there has been 'change' or 'no change' in status in the last year is provided for each water body in the search results, below the spotfire map. This table can be exported if required. Classification results are updated annually (following any necessary verification requiring to be completed post-publication). If you require further information for a water body which has undergone a change in status in the last year you can request verification of the change by emailing the RBMP Unit (rbmp@sepa.org.uk) entitling your email "Urgent request for data verification". Detailed information on the pressures affecting an individual water body and the measures (actions) set against it to address the pressures are available by accessing the individual water body datasheet via the relevant hyperlink. This data should form part of the baseline characterisation in the ES.

- 2.6 In order to meet the objectives of the Water Framework Directive, coastal development should be designed wherever possible to avoid engineering activities in the marine environment.
- 2.7 We recommend that it be demonstrated in the ES that every effort has been made to leave the marine environment in its natural state. There is a need to protect the remaining areas of intertidal zone along some stretches of the developed coastline as these areas have become fragmented and degraded by the coalescence of development in the past.
- 2.8 As responsible authorities, planning authorities should promote measures already agreed in respect of relevant water bodies as well as considering other enhancement opportunities to contribute to River Basin Management Plan, Nature Conservation (Scotland) Act 2004 and sustainability development objectives. Examples may include restoration, coastal realignment, soft engineering or the incorporation of naturalistic features in the design of shoreline works, or planting with salt tolerant species. Guidance that may be drawn upon includes:
- [Water Framework Directive Mitigation Measures Manual](#)
 - [Estuary Edges: Ecological Design Guidance](#)

3. Site layout and nature of construction for marine developments

<Delete subsections that do not apply to specific proposals>

- 3.1 The ES should contain site plans and cross sections showing the location, footprint, type and design of all the engineering structures, including temporary works, in the marine environment. Information for onshore elements such as access tracks, buildings, temporary works etc. should also be included. Access routes and working compounds for vehicles should be specified during construction. This information will allow us to screen the proposals and determine whether they are likely to present a risk to ecological status.
- 3.2 For development projects involving **dredging** works, the ES should include information on the dredge footprint area, dredging method, quantities of material to be dredged and a description of the substrate type/habitats and species within the area. Although by its nature dredging is a destructive activity, adverse effects can be minimised (e.g. timing, dredging technique). Options for the subsequent disposal and beneficial reuse of the material should also be considered.
- 3.3 For **coastal protection and flood defence** the ES should include a section on the appraisal process and justification for the preferred defence option. The feasibility of soft

engineering and natural flood management techniques should always be considered in the appraisal process. Any coastal defence scheme should be appropriate in scale and type for the area.

- 3.4 For **coastal water abstractions and discharges** associated with new coastal power stations particular emphasis should be paid to assessing the significance and potential impacts of any proposed cooling water abstraction and discharge temperature effects in combination with those that may already exist in adjacent water bodies. Modelling should also consider the dilution and dispersion of biocides and any other pollutants. To ensure that the development will be consentable under Pollution Prevention and Control we recommend that modelling be carried out at the Environmental Impact Assessment stage.

Where existing discharges exist in the vicinity of the proposals the ES will need to demonstrate that the development will not result in significant changes to the dispersion characteristics of the receiving waters.

Discharges to marine waters, including those under Pollution Prevention and Control, are usually subject to the CAR supporting guidance document – [WAT-SG-11: Modelling Discharges to Coastal and Transitional Waters](#). The most important part is the Appendix, which explains the mixing zone approach and the calculation of dilution. Typically, we would expect applicants to demonstrate that the discharge will undergo adequate initial dilution (50 times minimum initial dilution as a 95 percentile) and comply with any concentration limits at the edge of the mixing zone.

Please submit a detailed modelling method statement early in the application process to the SEPA planner who will forward to oceanmod@sepa.org.uk. By agreeing a modelling methodology before the modelling studies commence, potential problems and unnecessary work can be avoided later.

- 3.5 For **marine renewables** including **offshore wind, shoreline wave, tidal stream and barrage related developments** the ES should include plans showing the array of the devices, inter-array cabling, subsea cabling routes and landfall, and any associated off/onshore infrastructure (see section 8) within 3 nm of the shoreline. The ES should describe device and cable installation methods and should discuss the likelihood of any significant impacts during construction, operation and decommissioning. The significance of any potential impacts to the coastal zone e.g. sand dune and saltmarsh habitats, should be assessed with mitigation measures applied where appropriate.

Background information to help inform the ES process is available from [Marine Scotland](#) and the [European Marine Energy Centre](#) (EMEC). The EMEC guidance is designed to assist developers in considering the range and scale of impacts that may result from the testing of devices. Generally, if this standard industry guidance is followed for scoping, preparing and undertaking EIA for marine renewables, then SEPA is likely to be satisfied with the standard of assessment.

- 3.6 For **oil and gas**, related development plans should be included showing the pipeline routes and associated onshore infrastructure within 3 nm of the shoreline. The ES should describe pipeline installation methods and should discuss the significance of impacts during construction, operation and decommissioning. Potential impacts to the shoreline and coastal zone, e.g. sand dune and saltmarsh habitats and appropriate mitigation should also be addressed.

- 3.7 The applicant should consider if the nature of the proposal or the nature of the location could result in disturbance of contaminated sediments. The ES should demonstrate that this issue has been addressed, and, if a significant issue, then measures to minimise disturbance and subsequent relocation of such contamination, and to monitor impacts, should be set out within the ES. If it is suspected that such sediments may be contaminated with radioactive substances, further advice should be sought from SEPA as disturbance and movement of radioactively contaminated sediments may require authorisation under the Radioactive Substances Act 1993.
- 3.8 Should the proposal involve the disposal of radioactive waste, this will need to be undertaken in accordance with an authorisation issued by SEPA under the Radioactive Substances Act 1993. The applicant will need to give further consideration to how these wastes will be managed and details of the proposed methods will need to be submitted to SEPA as part of their application for authorisation under the Radioactive Substances Act 1993. As this information relates to potential significant environmental effects, SEPA's advice is that such information should also be included within the ES.
- 3.9 Please note that Oil Spill Contingency Plans should be sent directly to SEPA's Emergency Planning Unit to co-ordinate a response.

4. Marine ecological interests

- 4.1 Advice on designated sites and European Protected Species should be sought from Scottish Natural Heritage. Marine and transitional Special Areas of Conservation (SAC) and Special Protected Areas (SPA) and Marine Protected Areas (MPA) are also Water Framework Directive Protected Areas. Therefore, their objectives are also River Basin Management Plan objectives which should be taken into account when developing the ES. In such situations, Scottish Natural Heritage may contact SEPA for input on the consultation.
- 4.2 The Nature Conservation (Scotland) Act 2004 gives all public bodies, including SEPA and planning authorities, a duty to further the conservation of biodiversity. The developer is recommended to consult both the UK Biodiversity Action Plan and Local Biodiversity Action Plan lists for marine and coastal features found within the proposed areas of development, and consider mitigation measures, as appropriate. During the construction, operation and maintenance phases, it is important that good working practice is adopted and that wider habitat damage is mitigated against or kept to a minimum within defined acceptable limits. These should be controlled through a Construction Environmental Management Plan (see section 6 below).
- 4.3 Given that the accidental introduction of Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation, we recommend that controls should be included in development planning and marine licensing for MNNS in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and [EU Biodiversity Strategy](#) targets. Under the Water Framework Directive the presence of MNNS within a water body can constitute a significant pressure on the biological elements. Good status is usually the maximum a water body can achieve if MNNS are detected and this can fall to moderate status if MNNS are present above certain thresholds. Once well established, efforts to eliminate MNNS species have proven to be extremely expensive and so far, no non-native species have been successfully eradicated from the marine environment. Therefore, in view of these difficulties, we support the [GB Non-Native Species Secretariat](#) recommendation to put in place effective biosecurity measures to prevent introduction and to stop their spread.

Accidental introduction of MNNS can also occur via attachment to construction plant, specialised equipment and moorings as these are moved from one area to another. Please detail the measures to minimise the risks of introducing of MNNS into the adjacent water bodies within the ES and draft Construction Environmental Management Plan. Guidance that may be drawn upon includes:

- [The alien invasive species and the oil and gas industry guidance](#) produced by the Oil and Gas industry;
- SNH web-based advice on [Marine non-native species](#);
- [Marine non-native guidance](#) from the GreenBlue (recreation advice).

- 4.4 For operations that require coastal water abstractions, e.g. new coastal power stations, particular emphasis should be paid to assessing the impacts of fish (all mobile species) entrainment and how this will be mitigated. The assessment should also consider the potential impact of the proposed cooling water abstraction and discharge infrastructure in combination with those already existing in the vicinity. Studies show that the greatest rate of impingement is at low water, as fish are more concentrated than at high water – this effect can be increased where estuaries narrow. The ES should include drawings showing the design of the cooling water intakes and discharge infrastructure. Guidance that may be drawn upon includes [British Energy Estuarine and Marine Studies, Scientific Advisory Report Series 2010 No 005 Ed2 - Methodology for the measurement of Entrainment Edition 2](#).

5. Coastal processes

- 5.1 Depending upon the nature, scale and location of the proposed development the potential exists for there to be changes to coastal and sediment transport processes in the adjacent water body on completion of the development. The ES should assess the significance of such alterations and discuss the implications of these with respect to shoreline and seabed morphology, and wider ecosystem health in line with RBMP objectives. Marine Scotland is the responsible authority for licensing coastal development under the Marine Scotland Act 2010, and therefore we recommend that they be consulted with respect to the scope of any assessments.

6. Pollution prevention and environmental management

- 6.1 One of SEPA's key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. The construction phase includes construction of access roads, borrow pits, temporary storage areas and any other site infrastructure.
- 6.2 We advise that the applicant should, through the EIA process, systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the development. A draft Schedule of Mitigation should be produced as part of this process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. Please refer to the Pollution prevention guidelines. Other pollution prevention and environmental best practice guidance that may be drawn upon includes that produced by CIRIA .

- 6.3 Any application involving large scale beach replenishment and/or dredging works should be cross checked as to whether the proposals lie within or close to a designated bathing water or shellfish growing water. Ideally all physical works should be done outwith the Bathing Water Season (1 June to 15 September) and spatfall periods. Please refer to the [Bathing waters](#) section of our website for further guidance on the Bathing Waters Directive (2006/7/EC).
- 6.4 A Construction Environmental Management Plan is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of this document are set out in the ES outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation. Best practice advice developed by The Highland Council (in conjunction with industry and other key agencies) on the Construction Environmental Management Process is available in the guidance note [Construction Environmental Management Process for Large Scale Projects](#).

7. Flood risk

- 7.1 Any coastal development should be assessed for flood risk from all sources in line with Scottish Planning Policy (paragraphs 254-268). The [Flood Maps for Scotland](#) are available to view online and further information and advice can be sought from your local authority technical or engineering services department and from the planning and flood risk section of our [website](#), which also contains information on SEPA's role in flood risk.
- 7.2 If a flood risk is identified then a Flood Risk Assessment should be carried out following the guidance set out in the document [Technical flood risk guidance for stakeholders](#).
- 7.3 Climate change is placing increasing pressures on coastal marine environments. SEPA's guidance within this document helps to demonstrate SEPA's commitment to its public body duties under Section 44 of the Climate Change (Scotland) Act 2009, by assisting in ensuring that a consistent and proportionate approach is taken to maintaining the resilience of our coast to changes in our climate.

8. Onshore engineering activities in the water environment

- 8.1 In order to meet the objectives of the [Water Framework Directive](#), the onshore components of the development should be designed wherever possible to avoid engineering activities in the water environment. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. We require it to be demonstrated that every effort has been made to leave the water environment in its natural state. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative. Paragraph 255 of Scottish Planning Policy deters unnecessary culverting. Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. Further guidance on the design and implementation of crossings can be found in our [Construction of River Crossings Good Practice Guide](#). Other best practice guidance is also available within the water [engineering](#) section of our website.
- 8.2 If the engineering works proposed are likely to result in increased flood risk to people or property then a Flood Risk Assessment should be submitted in support of the planning application.

- 8.3 A site survey of existing water features and a map of the location of all proposed engineering activities in the water environment should be included in the ES. A systematic table detailing the justification for the activity and how any adverse impact will be mitigated should also be included. The table should be accompanied by a photograph of each affected water body along with its dimensions. Justification for the location of any proposed activity is a key issue for us to assess at the planning stage.
- 8.4 Where developments cover a large area, there will usually be opportunities to incorporate improvements in the water environment required by the Water Framework Directive within and/or immediately adjacent to the site either as part of mitigation measures for proposed works or as compensation for environmental impact. We encourage applicants to seek such opportunities to avoid or offset environmental impacts. Improvements which might be considered could include the removal of redundant weirs, the creation of buffer strips and provision of fencing along watercourses. Fencing off watercourses and creating buffer strips both helps reduce the risk of diffuse water pollution and affords protection to the riparian habitat.

9. Onshore water abstraction

- 9.1 Where water abstraction is proposed we request that the ES details if a public or private source will be used. If a private source is to be used the information below should be included. Whilst we regulate water abstractions under CAR, the following information is required at the planning stage to advise on the acceptability of the abstraction at this location:
- Source e.g. ground water, the sea or surface water;
 - Location e.g. grid reference and description of site;
 - Volume e.g. quantity of water to be extracted;
 - Timing of abstraction e.g. will there be a continuous abstraction?;
 - Nature of abstraction e.g. sump or impoundment;
 - Proposed operating regime e.g. details of abstraction limits and hands off flow;
 - Survey of existing water environment including any existing water features;
 - Impacts of the proposed abstraction upon the surrounding water environment.
- 9.2 If other development projects are present or proposed within the same water catchment then we advise that the applicant considers whether the cumulative impact upon the water environment needs to be assessed. The ES should also contain a justification for the approach taken.

10. Disruption to wetlands including peatlands

- 10.1 If there are wetlands or peatland systems present, the ES should demonstrate how the layout and design of the proposal, including any associated borrow pits, hard standing and roads, avoid impact on such areas.
- 10.2 A Phase 1 habitat survey should be carried out for the whole site and the guidance [A Functional Wetland Typology for Scotland](#) should be used to help identify all wetland areas. National Vegetation Classification (NVC) should be completed for any wetlands identified. Results of these findings should be submitted, including a map with the entire proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.
- 10.3 Groundwater dependent terrestrial ecosystems, which are types of wetland, are specifically

protected under the Water Framework Directive. The results of the NVC survey and Appendix 2 (which is also applicable to other types of developments) of our [Planning guidance on windfarm developments](#) should be used to identify if wetlands are groundwater dependent terrestrial ecosystems.

- 10.4 The route of roads, tracks or trenches within 100 m of groundwater dependent terrestrial ecosystems (identified in Appendix 2) should be reconsidered. Similarly, the locations of borrow pits or foundations within 250 m of such ecosystems should be reconsidered. If infrastructure cannot be relocated outwith the buffer zones of these ecosystems then the likely impact on them will require further assessment. This assessment should be carried out if these ecosystems occur within or outwith the site boundary so that the full impacts on the proposals are assessed. The results of this assessment and necessary mitigation measures should be included in the ES.
- 10.5 For areas where avoidance is impossible, details of how impacts upon wetlands including peatlands are minimised and mitigated should be provided within the ES or planning submission. In particular impacts that should be considered include those from drainage, pollution and waste management. This should include preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, dewatering, excavations, drainage channels, cable trenches, or the storage and re-use of excavated peat. Detailed information on waste management is required as detailed below. Any mitigation proposals should also be detailed within the Construction Environmental Management Plan as detailed below.

11. Carbon balance

- 11.1 Scottish Planning Policy (SPP) states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release." The ES or planning submission should include a) a summary demonstrating how the development has been designed with regards to layout and mitigation to minimise release of CO₂ and b) preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat.

12. Disturbance and re-use of excavated peat

- 12.1 Where the proposed terrestrial infrastructure will impact upon peatlands, a detailed map of peat depths (this must be to full depth) should be submitted. The peat depth survey should include details of the basic peatland characteristics.
- 12.2 By adopting an approach of minimising disruption to peatland, the volume of excavated peat can be minimised, reducing CO₂ emissions and the commonly experienced difficulties in dealing with surplus peat. The generation of surplus peat is a difficult area which needs to be addressed from the outset given the limited scope for re-use.
- 12.3 The ES should detail the likely volumes of surplus peat that will be generated, including quantification of catotelmic and acrotelmic peat, and the principles of how the surplus peat will be reused or disposed of.
- 12.4 There are important waste management implications of measures to deal with surplus peat as set out within our [Regulatory Position Statement – Developments on Peat](#). Landscaping

with surplus peat (or soil) may not be of ecological benefit and consequently a waste management exemption may not apply. In addition we consider disposal of significant depth of peat as being land-filled waste, and this again may not be consentable under our regulatory regimes. Experience has shown that peat used as cover can suffer from significant drying and oxidation, and that peat redeposited at depth can lose structure and create a hazard when the stability of the material deteriorates. This creates a risk to people who may enter such areas or through the possibility of peat slide and we are aware that barbed-wire fencing has been erected around some sites in response to such risks.

- 12.5 It is, therefore, essential that the scope for minimising the extraction of peat is explored and alternative options identified that minimise risk in terms of carbon release, human health and environmental impact. Early discussion of proposals with us is essential, and an overall approach of minimisation of peatland disruption should be adopted. If it is proposed to use some excavated peat within borrow pits or bunding then details of the proposals, including depth of peat and how the hydrology of the peat will be maintained, should be outlined in the ES.
- 12.6 Our [Energy/Renewable webpage](#) provides links to current best practice guidance on peat survey, excavation and management.

13. Existing groundwater abstractions

- 13.1 Roads, foundations and other construction works associated with large scale developments can disrupt groundwater flow and impact on groundwater abstractions. To address this risk a list of groundwater abstractions both within and outwith the site boundary, within a radius of i) 100 m from roads, tracks and trenches and ii) 250 m from borrow pits and foundations) should be provided.
- 13.2 If groundwater abstractions are identified within the 100 m radius of roads, tracks and trenches or 250 m radius from borrow pits and foundations, then either the applicant should ensure that the route or location of engineering operations avoid this buffer area or further information and investigations will be required to show that impacts on abstractions are acceptable. Further details can be found in Appendix 2 (which is also applicable to other types of developments) of our [Planning guidance on windfarm developments](#).

14. Borrow pits

- 14.1 Scottish Planning Policy (SPP) states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The ES or planning submission should provide sufficient information to address this policy statement.
- 14.2 Additionally, a map of all proposed borrow pits must be submitted along with a site specific plan of each borrow pit detailing the:
- a) Location, size, depths and dimensions of each borrow pit;
 - b) Existing water table and volumes of all dewatering;
 - c) Proposed drainage and settlement traps, turf and overburden removal and storage areas;

- d) Restoration profile, nature and volume of infill materials, and, if wetland features form part of the restoration, management proposals.

14.3 The impact of such facilities (including dust, blasting and impact on water) must be assessed in accordance with Planning Advice Note PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (Paragraph 53). In relation to groundwater, information (Paragraph 52 of PAN 50) only needs to be provided where there is an existing abstraction or GWDTE within 250 m of the borrow pit.

15. Air quality <Delete this section if not relevant>

15.1 The local authority is the responsible authority for local air quality management under the Environment Act 1995, and therefore we recommend that Environmental Health within the local authority be consulted.

15.2 They can advise on the need for this development proposal to be assessed alongside other developments that could contribute to an increase in road traffic. They can also advise on potential impacts such as exacerbation of local air pollution, noise and nuisance issues and cumulative impacts of all development in the local area. Further guidance regarding these issues is provided in Scottish Planning Specific Advice (2004) available on the Scottish Government's Planning website entitled [Air Quality and Land Use Planning](#).

16. Regulatory advice for the applicant

16.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at: [Insert local office details](#)

If you have any queries relating to this letter, please contact me by telephone on [insert contact number](#) or e-mail at [insert area planning office e-mail](#).

Yours [insert closure \(sincerely/faithfully\)](#)

!!OFFICER!!

[Insert job title](#)

Planning Service

ECopy to: !!COPYTO!!; [Planning Authority case Officer Direct Email if Available and Requested](#)

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).