

T: +44 (0)300 2445046
E: ms.majorprojects@gov.scot

[Redacted]
Caledonian Maritime Assets Limited
Municipal Buildings
Fore Street
Port Glasgow

Date: 30 August 2018

Dear [Redacted] ,

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

Thank you for your screening opinion request for the proposed demolition of an existing structure, the construction of a pier, alterations to an existing slipway and dredging and dredged spoil deposit at sea, at the Lochaline Ferry Terminal, Morvern, received on 28 June 2018.

In considering your screening opinion request, the Scottish Ministers have consulted with Scottish Natural Heritage (“SNH”), the Scottish Environment Protection Agency (“SEPA”), Historic Environment Scotland (“HES”) and The Highland Council (“THC”), as to their view on whether the proposed works are an Environmental Impact Assessment (“EIA”) project. Copies of the consultation responses are attached for your review (Appendix I).

The Scottish Ministers consider the works to fall under paragraph 10(m) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”). The threshold for sea defence works, as described in column 2 of schedule 2 of the 2017 MW Regulations, is “all works”, thus the proposed works exceed this threshold.

The terrestrial elements of the development will be subject to a screening review by the relevant local planning authority (Argyll & Bute Council) and do not require a marine licence under the Marine (Scotland) Act 2010 or EIA screening under the 2017 MW Regulations.

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations (Appendix II) as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

1. Characteristics of the works

In regards to the size of the proposed construction and dredging works, the Scottish Ministers agree with SEPA's advice; The Scottish Ministers are content that the works are relatively limited in their extent, with approximately 0.095 hectares of construction and 1,000 wet tonnes of dredging and dredged spoil deposit under Mean High Water Springs.

Piling is expected to be part of the design, however the proposed approach to the works is sheet piling.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristics of the works are unlikely to have significant effects on the environment.

2. Location of the works

The location of the works is approximately 300 m away from the Inner Hebrides and the Minches candidate Special Area of Conservation ("cSAC") for harbour porpoise, the Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area ("NC-MPA") and Priority Marine Features for common skate, glaciated channels/troughs and burrowed mud.

The construction works encompass sheet piling, which can cause an increase in underwater noise. However, SNH has advised that the likely significant effects on the Inner Hebrides and the Minches cSAC can be assessed through the undertaking of a Habitats Regulations Appraisal at marine licence application stage. Their advice also extends to confirm they do not envisage a significant effect on the common skate interest of the NC-MPA or burrowed mud.

THC's advice agrees with SNH's assessment of likely significant effects.

HES has advised that the proposed works are unlikely to significantly impact historic environment interests.

Based on the information provided and advice received, the Scottish Ministers do not have any significant concerns regarding the environmental sensitivity of the geographical areas likely to be affected by the proposed works.

3. Characteristics of the potential impact

In view of the findings in sections 1 and 2 above, the Scottish Ministers are content that the proposed flood defence works are unlikely to significantly affect the environment and that any potential impacts can be effectively addressed and mitigated by the marine licence application and determination process.

The Scottish Ministers are therefore of the opinion that the proposed works are not an EIA project under the 2017 MW Regulations and EIA is not required to be carried out in respect of the proposed works.

If you increase, alter or extend the proposed works, you are advised to contact Marine Scotland – Licensing Operations Team to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to THC planning department for their information. The screening opinion has been made publicly available through the Marine Scotland Information webpage: <http://marine.gov.scot/marine-projects> .

Yours sincerely,

[Redacted]
Licensing Operations Team
Marine Scotland

Appendix I Consultation Responses

Our ref: PCS/160191
Your ref:

If telephoning ask for:
[Redacted]

12 July 2018

[Redacted]
Marine Scotland

By email only to: ms.majorprojects@gov.scot

Dear [Redacted]

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Lochline Ferry Terminal Berth Redevelopment Morvern

Thank you for consulting SEPA on the screening opinion for the above development proposal by way of your email which we received on 12 July 2018.

Given the scale and location of the proposed works, we consider that, with respect to our interests, Environmental Impact Assessment is not required for the above proposal.

Please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#) for any future advice for this development.

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at [Redacted]

Yours sincerely

[Redacted]
Senior Planning Officer
Planning Service

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](#).



By email to: MS.majorprojects@gov.scot

Marine Scotland (Aberdeen Office)
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: [Redacted]
[Redacted]

Our ref: AMN/16/H
Our case ID: 300030096

24 July 2018

Dear [Redacted]

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 Lochaline Ferry Terminal Berth Redevelopment - Request for Screening Opinion](#)

Thank you for your consultation which we received on 11 July 2018 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories and historic marine protected areas (HMPAs).

Our Screening opinion

Whilst the decision on the need or otherwise for Environmental Impact Assessment (EIA) lies with your organisation, I have the following advice which I hope will be helpful to you in your consideration of the matter;

Our advice

I understand from the submitted details that the proposal relates to the reconstruction and expansion of the existing ferry terminal. It is anticipated that the development will require both terrestrial and marine works. There are no heritage assets within our remit either within, or in the immediate vicinity of, the proposed development. We are therefore content that the proposed works are unlikely to have significant impacts on assets within our statutory remit.

The local authority's archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.



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EACHDRAIDHEIL
ALBA

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is [Redacted] and they can be contacted by phone on [Redacted] or by email on [Redacted].

Yours sincerely,

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Marine Scotland
The Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for / Foighnich airson: [Redacted]
Direct Dial / Àireamh fòn: [Redacted]
Email / Post-d: [Redacted]

Our Ref / Ur n-àireamh-iùil: 18/03251/SCRE
Date / Ceann-là: 19 July 2018

By e-mail to: [Redacted] and
ms.majorprojects@gov.scot

Dear [Redacted]

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)**

**PROPOSAL: THE DEMOLITION OF AN EXISTING TIMBER ALIGNMENT STRUCTURE AND
FABRIFORM MATTRESS AND CONSTRUCTION OF A NEW TWIN-WALLED SHEET PILE PIER
AND OPEN PILED STRUCTURE WITH PRE-CAST REINFORCED CONCRETE DECK. REPAIRS
AND WIDENING OF EXISTING REINFORCED CONCRETE SLIPWAY AT LOCHALINE FERRY
TERMINAL, LOCHALINE, MORVERN, PA34 5XT**

I refer to the above proposed development and to the consultation request dated 11 July 2018 relating to a Screening Opinion under Regulation 10(5) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulation 2017.

Screening Opinion Consultation

It is considered that **Environmental Impact Assessment is NOT required** for the development described in the letter and information accompanying the screening request.

The proposal is not located within a "sensitive area" however it is noted that there are two sites of natural heritage interest approximately 300m from the location of construction works. The Inner Hebrides and the Minches is a candidate Special Area of Conservation for harbour porpoises and The Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area designated for underwater landscape and breeding sites for common skate. Initial advice has been given by SNH.

Should you require any further information or clarification on any of the above, please do not hesitate to contact me on 01397 707021.

Yours sincerely

[Redacted]
Planner - Lochaber

[Redacted]

From: MS Major Projects
Sent: 20 August 2018 09:45
To: [Redacted]
Subject: RE: Caledonian Maritime Assets Limited (per Royal Haskoning DHV) - Lochaline Ferry Terminal Berth Redevelopment, Morvern - Consultation of request for screening opinion part 3 of 4 - Response required by 01 August 2018

[Redacted]
Hi d]

Further to our telephone conversation of Friday, this is just a note to confirm that we agreed your comments of 10 August 2018 can be dealt with through HRA at marine licence application stage. Therefore, there is no requirement for an EIA to be undertaken for the proposal.

Hope you have a nice week.

Kind regards,

[Redacted]

Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy

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

PLEASE NOTE I ONLY WORK MORNINGS.

Direct Line: [Redacted]
General Queries: [Redacted]
Email: [Redacted]
ms.majorprojects@gov.scot
Website: <http://www.scotland.gov.uk/marinescotland>



[Redacted]

From: [Redacted]
Sent: 10 August 2018 16:53
To: MS Major Projects
Subject: RE: Caledonian Maritime Assets Limited (per Royal Haskoning DHV) - Lochaline Ferry Terminal Berth Redevelopment, Morvern - Consultation of request for screening opinion part 3 of 4 - Response required by 01 August 2018

FAO [Redacted]

Thank you for consulting us on the above screening consultation and thank you for granting an extension period.

It is for Marine Scotland as the Competent Authority to consider whether this project should be subject to the EIA process. However to help you to come to a view on this we advise that the proposal is likely to have a significant effect on the [Inner Hebrides and the Minches candidate Special Area of Conservation](#) (cSAC). We also provide advice on other natural heritage areas close by.

Inner Hebrides and the Minches cSAC

The proposal is close to the [Inner Hebrides and the Minches](#) cSAC, designated for harbour porpoise. The protection afforded to SACs can be found [here](#). We advise that there is potential for the proposal to have a likely significant effect on the cSAC through disturbance caused by underwater noise associated with the piling/construction phase of work. The following information is required from the applicant in order for us to be able to advise further on this aspect; specifically we need:

1. noise modelling – using NOAA guidelines <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>
2. the applicant to confirm whether blasting is required or not - the coastal processes report mentions hard rock on a number of occasions.
3. the applicant to set out mitigation to address underwater noise impacts. At present the only information provided in this regard states a willingness to use vibro piling once contractor confirmed.

This information will be required to undertake a Habitats Regulations Appraisal for the site.

Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area and Priority Marine Features

The proposal is also close to the [Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area](#) (MPA) for common skate and glaciated channels/troughs. The protection afforded to Nature Conservation MPAs can be found [here](#). We advise that the common skate interest is outwith the development area and we do not envisage a significant effect.

Burrowed mud occurs throughout the Lochaline area although most sample points are within Lochaline itself. Burrowed mud is a [Priority Marine Feature](#) (PMF). We do not envisage a significant effect on the burrowed mud feature arising from this proposal. There are no other known PMFs close by, or that are likely to be affected, by this proposal.

Please contact me if you have any questions.

[Redacted]

[Redacted] | **Operations Officer**

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | [Redacted]

| [Redacted] | [Redacted]
Inbhir Pheofharain | Slighe Fhodhraitidh | Pàirc Gnothachais | Inbhir Pheofharain | Inbhir Pheofharain | IV15 9XB
nature.scot – *Connecting People and Nature in Scotland* – [@nature_scot](https://twitter.com/nature_scot)

Appendix II The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Schedule 3 - Selection Criteria for Screening Schedule 2 Works

Characteristics of works

1. The characteristics of works must be considered having regard, in particular, to—

- (a) the size and design of the works;
- (b) cumulation with other existing works and/or approved works;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

Location of works

2. The environmental sensitivity of geographical areas likely to be affected by works must be considered having regard, in particular, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Characteristics of the potential impact

3. The likely significant effects of the works on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the works on the factors specified in regulation 5(3), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved works;
- (h) the possibility of effectively reducing the impact.