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Kirsty Macdonald  
Affric Limited  
Lochview Office  
Loch Duntelchaig  
Farr  
IV2 6AW

Date: 08 July 2021

Dear Ms. Macdonald,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

Thank you for your screening opinion request dated 6 May 2021 in regards to the proposed works at Mallaig Harbour, including the construction of a new berth and rock armour revetments, dredging, deposit of dredge material and land reclamation (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 14 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), The Highland Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. The Highland Council has been unable to provide a consultation response. Copies of the consultation responses received are attached for your review (at Appendix I).

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 as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

## Characteristics of the works

The Proposed Works include the construction of a new splay berth within the Outer Harbour to provide approximately 60 metres (“m”) of additional berthing space and laydown space of over 4,000 square metres in the area identified as the “The slot” in Figure 1 below. In addition, the Proposed Works will involve the deepening of the Outer Harbour basin from its current depth of -4m chart datum (“CD”) to -6m CD and the removal of existing revetment.



Figure 1 The Layout of the Outer Harbour, Mallaig

A concrete toe beam will be constructed on the seabed between the ‘Outer Breakwater Quay’ and the ‘Ice Quay’ (shown in Figure 1) to support a new rock armour revetment. The slot will be reclaimed by infilling the area with compacted suitable dredge material (sand, gravel and rock), supplemented where necessary with imported infill material and the outer face will be trimmed by an excavator to produce a sloping revetment. Between 60 and 65 piles ranging between 600 millimetres (“mm”) to 700 mm in diameter will be installed through a mixture of placement within sockets, vibro installation and percussive piling. The percussive piling will occur for short periods estimated at between 5 to 15 minutes per pile. In addition, where required, within some piles grouted steel anchors or toe pins will be drilled into rock. Rock armouring will be placed to cover the outer face of the reclaimed area, reusing the existing armour previously removed and supplemented with additional import if necessary before the concrete deck slab is lifted into place.

The deepening of the Outer Harbour basin will involve dredging 85% of the basin footprint together with the entrance to the Outer Harbour which will amount to approximately 64,000 wet tonnes of dredge material. Approximately 37,000 wet tonnes of the dredge material will comprise of sand and existing rock fragments, with the remaining 27,000 wet tonnes to be generated from drilling and blasting the bedrock in situ. The drilling and blasting works are likely to be carried out from floating or jack up plant, however in and around where the toe

beam is to be constructed, the blasting may be carried out from a temporary bund of dredge or rock fill material, this will be removed following the completion of blasting. The bulk of the dredge material is proposed to be used as infill for the reclamation works and the excess will potentially be deposited at the nearest dredge deposit site.

## Location of the works

The site is located within Mallaig Harbour, 180m away from the Inner Hebrides and Minches Special Area of Conservation (“SAC”) which is designated for harbour porpoise (*Phocoena phocoena*) and 10.5 kilometres (“km”) away from the Sea of Hebrides Marine Protected Area which is in part designated for basking shark (*Cetorhinus maximus*) and minke whale (*Balaenoptera acutorostrata*). These features have the potential to be affected by noise from the Proposed Works, in particular from the piling and blasting works.

The rock removal by blasting and drilling will however all be carried out within the confines of the Outer Harbour basin, with the existing Outer Breakwater Quay (as shown in Figure 1 above) acting as a noise barrier. In addition, the basin entrance of the Outer Harbour faces due east across a 120m wide channel between it and the shore, therefore limiting the propagation of noise to open water beyond the harbour entrance channel.

The applicant has identified that blasting, dredging and dredge reuse/disposal can give rise to increased sediment in the water column and have a likely significant effect on the water and seabed quality. As a long running working harbour however it is unlikely to provide high quality habitat for benthic ecology or provide spawning or nursery grounds for fish. In addition, there are also no major rivers within the Mallaig Harbour area and therefore it is unlikely any migratory fish species will be affected. Whilst some of the dredge material is anticipated to be reused as infill for the reclamation works, it is proposed that the remainder will go to the Armadale dredge deposit site. Sampling and analysis of the proposed dredge material will be carried out prior to the submission of the marine licence applications to assess if the material is suitable for deposit at the Armadale site. If the material is considered suitable it is anticipated that it will disperse through natural processes. Consequently, it is considered unlikely that the proposed dredging and deposit activities will result in any adverse impacts on the water quality.

It is noted that the Armadale site is located in the Inner Hebrides and Minches SAC. The applicant has identified that the deposit of dredge material at the site could give rise to injury to marine mammals and potentially basking sharks. It is proposed by the applicant however that this can be mitigated against as part of a Marine Mammal and Basking Shark protocol.

NatureScot (“NS”) advised that the Proposed Works would not have a significant effect on the environment and it did not consider the works to be an EIA project. NS agreed with the screening report conclusions and considered that the main impacts of the Proposed Works could be addressed through targeted and detailed reports as part of the final application.

Historic Environment Scotland (“HES”) advised that significant effects on the marine historic environment are unlikely. HES noted that the Outer Harbour was constructed relatively recently (between 1996 and 1998) and was dredged to -4m CD and therefore any surviving marine historic environment assets within the area of the Proposed Works were likely to have already been removed.

In addition SEPA have stated that they considered that the Proposed Works do not constitute an EIA project.

Finally, the applicant has identified that there may be additional navigational hazards as a result of the Proposed Works however proposes that these can be mitigated through appropriate Notice to Mariners being posted, planning works around the ferry timetable and the contractor being in close communication with the Harbour Master.

### **Characteristics of the potential impact**

The Scottish Ministers are content that the potential impacts associated with the location of the Proposed Works can be effectively addressed through the embedded design of the Proposed Works and further mitigated through the HRA process and the implementation of a Marine Mammal Mitigation Plan (“MMMP”) to avoid any significant adverse effects on the environment. The Scottish Ministers advise that the MMMP must be submitted alongside the marine licence applications together with the underwater noise assessment, including modelling, which is to be completed to inform the specific mitigation measures in the MMMP. The Scottish Ministers further advise that the MMMP must include consideration of the potential impacts on basking sharks as identified above.

### **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an 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 again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website: <http://marine.gov.scot/ml/screening-splay-berth-deepening-mallaig-harbour>.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Thomas Inglis  
Marine Scotland - Licensing Operations Team

# Annex One

## 1.1 SEPA Response

OFFICIAL – BUSINESS

Dear Kate

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)  
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS  
Mallaig Harbour Authority - Splay Berth Deepening - Mallaig Harbour**

Thank you for consulting SEPA on the above proposal. We can confirm that in relation to the aspects of the environment on which we usually provide advice to you we consider that EIA is not required. Please see our standing advice - [lups-gu13.pdf \(sepa.org.uk\)](#) – for further advice and guidance.

Kind regards

Susan Haslam  
Senior Planning Officer  
SEPA Planning Service – [planning.north@sepa.org.uk](mailto:planning.north@sepa.org.uk)

## 1.2 NatureScot Response

Dear Kate, thank you for consulting us requesting our screening opinion .

It is our opinion that the proposal will not have a significant effect on the environment and therefore we do not consider that this is an EIA project.

We agree with the screening report conclusions, as to what the main impacts are and we consider that these can be addressed through targeted and detailed reports as part of the final application.

Regards

Corrina

I am working from home. You can contact me by email or on my work number above between 8.00am and 4.30pm.

**Corrina Mertens | Area Officer, South Highland**

**NatureScot** | Scottish Natural Heritage | Torlundy | Fort William | Inverness-shire | PH33 6SW | t [REDACTED]  
nature.scot | [@nature\\_scot](#) | Scotland’s Nature Agency | Buidheann Nàdair na h-Alba

## 1.3 HES Response



**By email to:**  
[MS.MarineLicensing@gov.scot](mailto: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](mailto:HMConsultations@hes.scot)

Our case ID: 300051447

08 June 2021

Dear Marine Scotland

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)  
[Mallaig Harbour Authority - Splay Berth Deepening - Mallaig Harbour](#)  
[Request for Screening Opinion](#)

Thank you for your consultation which we received on 19 May 2021 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). In this case our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

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

### **Our Screening opinion**

We are content that an EIA is not required for this proposed development for matters within our historic environment remit as identified above.

### **Our advice**

We note that the outer harbour basin where the proposed works are located was constructed relatively recently in 1996-98 and that the area was dredged down to -4m CD with an allowance for future increase to -6m CD at that time. It is likely that any surviving marine historic environment assets within the proposed area for the development would have been removed during the construction works at that time. We are therefore content that significant effects on the marine historic environment are unlikely.

We are content that there are no terrestrial assets within our remit which would be likely to experience any significant effects to their setting.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
Scottish Charity No. **SC045925**  
VAT No. **GB 221 8680 15**



We are therefore content that further detailed environmental assessment is not required for our historic environment remit.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements who can be contacted by phone on [REDACTED] or by email on [Victoria.Clements@hes.scot](mailto:Victoria.Clements@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
Scottish Charity No. **SC045925**  
VAT No. **GB 221 8680 15**