



Development and Infrastructure Services

Director: [Redacted]

Marine and Coastal Development Unit

Municipal Buildings, Albany Street, Oban, Argyll, PA34 4AW

E-mail: [Redacted] [argyll-bute.gov.uk](mailto:[Redacted]@argyll-bute.gov.uk)

www.argyll-bute.gov.uk

Direct Line: [Redacted]

Your Ref: 06790

26 November 2018

[Redacted]

Marine Licensing Officer
Marine Scotland – Marine Planning & Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation

Thank you for consulting Argyll and Bute Council on the above marine licence application.

Argyll and Bute Council as Planning Authority have no comments to make on this marine licence application.

The corresponding Planning Consent for the works ref 18/01537/PP was granted on 11 September 2018. For your information the documents associated with this planning consent can be accessed on the following link: <https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=PBGFYKCHMYT00>

Yours faithfully

[Redacted]

Senior Planning and Strategies Officer





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 ref: AMN/16/SA
Our case ID: 300025395
Your ref: 06790
25 October 2018

Dear Sir/Madam

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)
Kilfinichen Pier Development

Thank you for your consultation which we received on 04 October 2018. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from the relevant local authority archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals or its accompanying EIA Report. At scoping stage we advised that our historic environment interests could be scoped out of the EIA process. We note that the EIA report does not contain a separate cultural heritage chapter in line with this advice. I can also confirm that we have no objection to the proposed development.

Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

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 through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is [Redacted] who can be contacted by phone on [Redacted] or by email on [Redacted] hes.scot.

Yours faithfully

Historic Environment Scotland

[Redacted]

From: CEMHD1Badmin@hse.gov.uk
Sent: 10 October 2018 11:53
To: MS Marine Licensing
Subject: FAO [Redacted] : 06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation - Response required by 03 November 2018

Follow Up Flag: Follow up
Flag Status: Completed

[Redacted]

Following our telephone conversation.

I can confirm that HSE does not need to be consulted on any form of Construction Development's unless the site has Hazardous Substances at the site.

Regards

[Redacted]

[Redacted] – Admin Support for CEMHD1B
Chemical Explosives and Microbiologists Hazards Division
[Redacted] @hse.gov.uk |
Health and Safety Executive, 2nd Floor, Cornerstone, 107 West Regent Street, Glasgow, G2 2BA



HSE is engaging with stakeholders to shape a new strategy for occupational safety and health in Great Britain, with seven roadshow events across the country. [Find out more^{\[3\]}](#) and join the conversation #HelpGBWorkWell

[Redacted]

[Redacted]

From: navigation safety <navigationsafety@mcga.gov.uk>
Sent: 30 October 2018 10:08
To: MS Marine Licensing
Subject: RE: 06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation - Response required by 03 November 2018

Follow Up Flag: Follow up
Flag Status: Completed

Dear Marine Scotland,

Thank you for the opportunity to comment on the marine licence application for the pier development at Kilfinichen Estate. MCA Navigation Safety have reviewed the application, and are pleased to note that the developer has included a professional Navigation Risk Assessment by Drennan Marine as per our recommendation when consulted on the Scoping Opinion in February 2018.

The MCA, on consideration, has no objections to a marine licence being granted for the works. This is on the understanding that all maritime safety legislation is followed, and that the following standard conditions and advisories are followed:

Conditions

1. The Licencee must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners. *We note this is also recommended in Section 5.4 (#2) of the NRA.*
2. The Licencee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.
3. The Licencee must notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system. *We note this is also recommended in Section 5.4 (#3) of the NRA.*

Advisories

1. The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
2. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
3. If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

We note that the NRA has also identified three further safety recommendations in the NRA. The MCA defers to the Northern Lighthouse Board, in their capacity as General Lighthouse Authority for the area, with regards to Recommendation #1 for the lighting of the pier. We note that the NRA has also considered the Port Marine Safety Code and its Guide to Good Practice, which is not mandatory but is strongly recommended as industry best practice with proportionate application for small facilities such as the proposed pier development. We therefore concur with the NRA's recommendation #4 and #5 for the development of Standard Operation Procedures (SOPs) and the assignment of a Designated Person (DP), so that the risk to navigation safety remains As Low As Reasonable Practicable (ALARP). These systems should be continuously reviewed by the licence holder for the duration of the pier's operation so that lessons learned and changing conditions can be considered.

Should you have any questions, please feel free to contact us.

Best Regards,

[Redacted]

[Redacted]

Marine Licencing Lead

Maritime & Coastguard Agency

Spring Place, 105 Commercial Road, Southampton, SO15 1EG

Direct: [Redacted] | Mobile: [Redacted]

Email: [Redacted] [@mcga.gov.uk](mailto:[Redacted]@mcga.gov.uk) | GSI: [Redacted] mcga.gsi.gov.uk

Please note my GSI email is not routinely monitored.



Safer Lives, Safer Ships, Cleaner Seas



[Redacted]

[Redacted]

From: DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>
Sent: 22 October 2018 09:12
To: MS Marine Licensing
Subject: RE: 20181022-06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation-DIO 10044322-O

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning [Redacted]

Further to your e-mail below regarding the Kilfinichen Pier Development and after our investigation, I can confirm that the MOD has No Objection regarding this activity in the locations specified. I hope this information is sufficient for your purposes.

Regards

[Redacted]

Safeguarding Assistant
Estates – Safeguarding

**Defence
Infrastructure
Organisation**

Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

Tel: [Redacted] | Email: [Redacted] [@mod.gov.uk](mailto:[Redacted]@mod.gov.uk)

Website: www.gov.uk/dio/ | Twitter: @mod_dio

Read DIO's blog: <https://insidedio.blog.gov.uk/>

 Defence Infrastructure Organisation

[Redacted]

[Redacted]

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

Kilfinichen Pier Development Isle of Mull

Marine Scotland Science has reviewed the submitted documents and has provided the following comments.

Benthic Ecology

MSS is content that the benthic impacts of this pier development have been fully evaluated and are not of significant concern. The potential loss of benthic species including the priority marine feature, 'kelp and seaweed communities on sublittoral sediment', is expected to be small compared to the extent of that feature as a whole in Loch Scridain.

Ornithology

MSS is content with the evaluation of the ornithological impacts of the development. Following the scoping opinion (table 4.2.1. of EIAR) ornithological interests during the operation of the pier were scoped out, thus these are not assessed. Two winter bird surveys were performed, with the first used to decide whether a breeding bird survey were also required, as there were assessed to be no suitable breeding habitat for target species in the development area a breeding bird survey was not performed.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box at MS_Renewables@gov.scot

Yours sincerely

[Redacted]

Offshore Chemical Coordinator

Marine Scotland Science

02 November 2018

Northern Lighthouse Board

Your Ref: MS 06790
Our Ref: AL/OPS/ML/PJMS_025_18

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk



Marine Scotland – Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
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09 October 2018

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06790 - KILFINICHEN FARMS LLP (PER AFFRIC LIMITED) - KILFINICHEN PIER DEVELOPMENT, LOCH SCRIDAIN, ISLE OF MULL - CONSULTATION

Thank you for your e-mail correspondence dated 04 October 2018 regarding the Environmental Impact Assessment submitted by Affric Ltd, on behalf of Kilfinichen Farms LLP, in relation to the proposed Kilfinichen Pier Development, Isle of Mull.

Northern Lighthouse Board has no objections to the proposed construction and recommends the following:

- No navigational lighting and marking is required.
- UK Hydrographic Office (sdr@ukho.gov.uk) should be notified of the “as-built” drawings in order that BA 2771 can be revised accordingly.

Yours sincerely
[Redacted]

Navigation Manager

Privacy Statement

NLB take seriously the protection of your privacy and confidentiality, and understand that you are entitled to know that your personal data will not be used for any purpose unintended by you. In line with our document retention schedules, copies of this correspondence will be retained on our live internal system in line with our legislative requirements and obligations, before being archived as required for conformance with our data Protection Policy and the associated Data Retention Schedules. Archived copies may be retained indefinitely in the public interest. Our Privacy Notice can be accessed via the following link: <https://www.nlb.org.uk/Terms/Privacy/>

For the safety of all

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001

[Redacted]

From: [Redacted]
Sent: 18 November 2018 17:36
To: MS Marine Licensing
Subject: Kilfinichen-pier-development-isle-mull

I would like to register my full support this project all be it after the closing date of 3/11/2018.
I apologise for the late response but this was partly due to a telephone cable failure in early October. Ironically this overhead cable failure was in very close proximity to the proposed site and resulted in no internet or telephone connection to my property.

I attended the Public consultation site meeting on 22/08/2017 and felt then this would be both to my personal and wider community benefit by removing the necessity of the public road haulage.

With timber lorries passing [Redacted] at times from 5:30 am and until after 22:00pm when being transported from Tiroran is to say the least somewhat noisy and inconvenient. This coupled with the ever deteriorating state of the single track road and the increasing volume of vehicular traffic both local and visitors after the introduction of RET on the ferries, has not been offset by the small intermittent areas that have been resurfaced or patched.

[Redacted], I have been kept informed as to the general situation.

Whilst being a keen boating/sea angler I accept I may have to forgo the wider area around the proposed site but feel this is a small price to pay to avoid the numerous lorry movements (yet required) and a reduction in the serious deterioration of the local road.

[Redacted]



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This email has been received from an external party and has been swept for the presence of computer viruses.

[Redacted]

From: [Redacted] ryascotland.org.uk>
Sent: 09 October 2018 13:25
To: MS Marine Licensing
Subject: RE: 06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation - Response required by 03 November 2018

Follow Up Flag: Follow up
Flag Status: Completed

Hi [Redacted]

I write to inform you that RYA Scotland has no objections to this application.

Kind Regards

[Redacted]

[Redacted]

Senior Administrator

Tel: [Redacted]

Royal Yachting Association Scotland

T: [Redacted]

E: [Redacted] 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](#)

Our ref: PCS/161614
Your ref: 06790

If telephoning ask for:
[Redacted]

22 October 2018

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

By email only to: MS.MarineLicensing@gov.scot

Dear Sir / Madam

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
Kilfinichen Pier Development
at Kilfinichen, Isle of Mull**

Thank you for your consultation which we received on 04 October 2018.

In this case we have no further comments to add to those provided at the early scoping stage, SEPA reference PCS/156629, please refer to this correspondence. For your information, were previously consulted by the local authority regarding the proposal which includes the stacking area above MHWS, planning reference 15/00197/PP and 17/01937/PP, and we held no objection.

We have no site specific comments to add and would refer you to [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

If you have any queries relating to this letter, please contact me by telephone on 01698 839 000 or e-mail at planning.sw@sepa.org.uk.

Yours faithfully

[Redacted]

Planning Officer
Planning Service



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Angus Smith Building

6 Parklands Avenue, Eurocentral,
Holytown, North Lanarkshire ML1 4WQ
tel 01698 839000 fax 01698 738155

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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](#).

[Redacted]

From: [Redacted] nature.scot>
Sent: 07 November 2018 12:41
To: MS Marine Licensing
Cc: centralvalidationteam@argyll-bute.gov.uk
Subject: RE: 06790 - Kilfinichen Farms LLP (per Affric Limited) - Kilfinichen Pier Development, Isle of Mull - Consultation - Response required by 03 November 2018

Follow Up Flag: Follow up
Flag Status: Completed

[Redacted]

Apologies for the delay in responding. I can confirm that we have reviewed the submitted documentation and have no concerns regarding the proposal, the terrestrial aspects of which have been subject to planning permission via Argyll and Bute Council. We note that application will result in a small loss to the Priority Marine Feature 'Laminaria saccharina and Chorda filum on sheltered upper infralittoral muddy sediment'. We agree with the applicants assessment that the loss of this small area of habitat will not have a significant impact upon this widespread PMF resource.

Please don't hesitate to contact me if you require any further information regarding the above.

Yours sincerely

[Redacted] | **Operation Officer**
Scottish Natural Heritage | 1 Kilmory Industrial Estate| Kilmory| Lochgilphead| Argyll | PA31 8RR t: [Redacted]

Please note my new email address is [Redacted] [@nature.scot](mailto:[Redacted]@nature.scot)

nature.scot – *Connecting People and Nature in Scotland* – [@nature_scot](https://twitter.com/nature_scot)

[Redacted]