

Marine Directorate Licensing Operations Team
By Email

HASKONINGDHV UK LTD.

74/2 Commercial Quay
Leith
Commercial Street
Edinburgh
EH6 6LX
United Kingdom

+44 131 5550506 T
info.edinburgh@uk.rhdhv.com E
royalhaskoningdhv.com W

Date:	26 November 2024	Contact name:	Evonne Maxwell
Your reference:		Telephone:	Redacted
Our reference:	PC5424-RHD-ZZ-FH-CO- EV-0001	Email:	evonne.maxwell@rhdhv.com
Classification:	Project related		
Enclosures	Drawing PC5424-RHD-XX-FH-D-EV-1020, Drawing PC5424-RHD-AS-FH-D-Z-1022 and Drawing PC5424-RHD-XX-FH-D-EV-1021.		

CMAL SVRP EIA Screening Request - Fishnish

1 Introduction

This letter is a request for an Environmental Impact Assessment screening opinion from the Marine Directorate Licensing and Operations Team (MD-LOT) with regards the proposed works required at Fishnish, namely construction of an aligning structure, as part Caledonian Maritime Assets Ltd's (CMAL) Small Vessel Replacement Programme (SVRP).

To inform the EIA screening request, this report provides an outline description of the proposed works, identifies the key environmental issues, and details the way in which CMAL proposes to address them. It should be noted that all information is indicative given the early stage in the development of the proposed works; however, where required, worst case assumptions have been applied to ensure a robust and precautionary screening exercise has been undertaken.

This letter is accompanied by:

- A location plan (PC5424-RHD-XX-FH-D-EV-1020)
- A drawing of the works (PC5424-RHD-AS-FH-D-Z-1022); and
- An environmental constraints map (PC5424-RHD-XX-FH-D-EV-1021).

2 Relevant Legislation

2.1 Marine Scotland Act 2010

Part 4 of the Marine Scotland Act 2010 provides a framework for the marine licensing system for those 'licensable marine activities' undertaken within Scottish waters below Mean High Water Springs. Marine Scotland is the regulatory authority for marine licensing in Scottish inshore and offshore waters.

The proposed works are considered to constitute a marine licensable activity, being classified as construction, alteration or improvement of any works within the Scottish marine area in or over the sea, or on or under the seabed, as listed in Section 21 of the Marine Scotland Act 2010.

2.2 Marine EIA Regulations

In Scotland, the legislation relevant to works within the marine area, up to 12nm, is The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, hereafter the Marine EIA Regulations. The Marine EIA Regulations contains two Schedules that identify projects that are considered EIA development and whether an EIA is mandatory or whether this is dependent upon set thresholds and criteria, as follows:

Schedule 1: development of this type requires that an EIA is undertaken; and,

Schedule 2: development of this type may require that an EIA is undertaken depending on the scale of the development, its characteristics, and the sensitivity of the environment in which the development will take place.

The proposed works do not fit the description of any works in Schedule 1. The proposed works are considered to fall under Schedule 2 category 10(m) *Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works*. It is therefore necessary to consider the scale and characteristics of the works and the sensitivity of the receiving environment.

3 Proposed Development

The SVRP is part of the broader Vessel Replacement and Deployment Programme (VRDP) initiated by Transport Scotland. The VRDP identified eight smaller vessels that were either beyond or approaching 30 years in service and close to the end of their operational life. The main objective of the SVRP is to provide new all-electric vessels for operation by Caledonian MacBrayne Ferries Ltd (CalMac) on multiple routes. The SVRP is expected to deliver a substantial reduction in carbon emissions compared to the older vessels being replaced, indicating a commitment by CMAL to environmental sustainability.

This letter outlines the proposed works for Fishnish ferry terminal, to improve the resilience of the port infrastructure to accommodate the new electric vessels.

Proposed modifications to the existing Fishnish ferry terminal comprise the construction of an aligning structure. The design of the structure is still in development, as is the location on either the east or west of the slipway, however it is anticipated that the aligning structure will consist of a monopiled structure of around 100m in length. A 1m wide steel walkway on the top of the structure will enable maintenance access to the navigation light positioned at the end of the structure (see Drawing PC5424-RHD-AS-FH-D-Z-1022 which shows the option on the west of the slipway).

4 Site and Surrounding Area

4.1 Location

Fishnish ferry terminal is in a quiet rural setting on the east coast of the Isle of Mull (Drawing PC5424-RHD-XX-FH-D-EV-1020). The surroundings consist predominantly of areas of woodland, and moorland/scrub. There is a Scottish Sea Farms site to the west of the site.

The existing terminal consists of a concrete slipway, a small permanent terminal building (ticket office), and a single lane marshalling area. The slipway width is sufficient for the design vessel and the toe level allows for operation with no tidal limits. There is currently no aligning structure. The slipway is surrounded by very little rock armour with the foreshore being bedrock and mixed rocky sediment with a dense covering of seaweed (see Figure 4-1 and Figure 4-2). The site is sheltered from the south but exposed to the northwest.

EUSEaMap data does not cover the Sound of Mull. However, British Geological Survey (BGS) data¹ classifies the Sound of Mull as mud and sandy mud, while the intertidal area around Fishnish is categorised as rock and hard substrate.



Figure 4-1 Fishnish ferry terminal

¹ <https://marinescotland.atkinsgeospatial.com/NMPI/default.aspx?redirect=false> (accessed May 2024).



Figure 4-2 Fishnish slipway

5 Baseline Environment

5.1 Environmental Designations

The ferry terminal at Fishnish is less than 100m from two designed sites, with a further three designated sites within 5km (Table 5-1, Drawing PC5424-RHD-XX-FH-D-EV-1021).

Table 5-1 Nature conservation designated sites within 5km of Fishnish

Designation	Site Name	Qualifying Features	Distance
SAC	Inner Hebrides and the Minches	Harbour porpoise	0km
MPA	Loch Sunart to the Sound of Jura	Flapper skate (<i>Dipturus intermedius</i>)	0km
SSSI	Inninmore Bay	Upland mixed ash woodland Upper Carboniferous	4.1km
	Loch Aline	Bryophyte assemblage Upland mixed ash woodland Hettangian, Sinemurian, Pliensbachian	3.7km
SAC	Morvern Woods	Mixed woodland on base-rich soils associated with rocky slopes Otter (<i>Lutra lutra</i>) Western acidic oak woodland	4.1km

Mechanical dredging is prohibited within the Loch Sunart to the Sound of Jura MPA between 1st October and 31st March².

² <https://www.legislation.gov.uk/ssi/2016/90/made> (accessed May 2024).

5.2 Notable Habitats and Species

A review of data available on the Scottish Government National Marine Plan interactive map reports the following Priority Marine Features (PMFs) within 5km of the port at Fishnish:

Table 5-2 PMF within 5km of the port of Fishnish.

PMF	Year of record	Distance
Kelp and seaweed communities on sublittoral sediment	2013	1.5km
Burrowed mud	2010	1.5km
Northern feather star	2010	1.5km

The estimated at sea population is low for grey seals and relatively high for harbour seals in the area around Fishnish (Carter *et al.*, 2022³). The East End of Sound of Mull designated haul out site for harbour seals is approximately 5.5km east of Fishnish.

Harbour porpoise (*Phocoena phocoena*) are regularly reported from the Sound of Mull, including the area around Fishnish (Hebridean Whale and Dolphin Trust, 2024⁴). Other cetacean species commonly reported from the Sound of Mull include bottlenose dolphin (*Tursiops truncatus*), short-beaked common dolphin (*Delphinus delphis*) and minke whale (*Balaenoptera acutorostrata*) and with other species including basking shark (*Cetorhinus maximus*), recorded on occasion.

The following notable terrestrial species records were found from a review of data available on the National Biodiversity Network (NBN, 2024^{5,6}) within 1km of the port in the last 20 years.

- Otter (*Lutra lutra*)
- European hedgehog (*Erinaceus europaeus*)

The following Invasive Non-Native Species (INNS) have been recorded in the vicinity of the ferry terminal:

- Japanese skeleton shrimp (*Caprella mutica*)
- American skunk cabbage (*Lysichiton americanus*)

5.3 Water Quality

The ferry terminal is within the Sound of Mull coastal water body (ID: 200464). In 2022 (most recent classification), the waterbody had Good status overall.

There are no shellfish or bathing water protected areas in the vicinity of the ferry terminal although the Scottish Sea Farms Fishnish salmon farm is approximately 500m west of the ferry terminal.

³ Carter, M. I. D., Boehme, L., Cronin, M. A., Duck, C. D., Grecian, W. J., Hastie, G. D., Jessopp, M., Matthiopoulos, J., McConnell, B. J., Miller, D. L., Morris, C. D., Moss, S. E. W., Thompson, D., Thompson, P. M., & Russell, D. J. F. (2022). Sympatric seals, satellite tracking and protected areas: habitat-based distribution estimates for conservation and management. *Frontiers in Marine Science*, 9, Article 875869. <https://doi.org/10.3389/fmars.2022.875869>

⁴ <https://whaletrack.hwtdt.org/sightings-map/> (accessed May 2024)

⁵ <https://scotland.nbnatlas.org/> (accessed May 2024)

⁶ Only records available under OGL, CC-BY or CCO licence were reviewed.

5.4 Flood Risk

Scottish Environment Protection Agency (SEPA) flood mapping data indicates that the ferry terminal is in an area where there is no specific risk of surface water or river flooding and a high risk of coastal flooding. High likelihood means that each year this area has a 10% chance of flooding.

5.5 Noise

The proposed development is located within an operational port and is subject to frequent noise disturbance. The closest residential property is approximately 920m south of the port.

5.6 Climate and Air

There are no known sensitive human receptors within 500m of the proposed works. The closest human receptor being over 900m away. No Air Quality Management Area information is currently available for the Sound of Mull.

5.7 Heritage

There are no listed buildings or scheduled monuments in the vicinity of the ferry terminal.

5.8 Navigation

Fishnish ferry terminal connects Fishnish with Lochaline on the Scottish mainland. It plays role in the local transport infrastructure, providing a link for passengers, vehicles, and goods. The Sound of Mull is a well-marked navigation route used by a variety of vessels both recreational and commercial.

6 Potential Environmental Effects

Possible impacts along with the potential significance on effect on the environment both during the construction period, and during the operational phase, are considered in Table 6-1.

Table 6-1 Potential environmental effects at Fishnish

Topic / Receptor	Potential Impacts	Potential Mitigation	Significance of Effects
Environmental designations	<ul style="list-style-type: none"> • Generation of underwater noise from piling operations; and • Indirect impacts due to changes to water quality. 	<p>Piling would be temporary and for a short period only. Underwater noise impacts would be managed using standard mitigation measures in line with the statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise⁷ including the use of the non-impulsive methods where possible. This will ensure that the potential impact ranges for instantaneous permanent auditory injury are mitigated for and therefore not significant. Disturbance would be short-term and temporary.</p> <p>Potential impacts will be discussed and agreed with NatureScot via the Habitats Regulations Appraisal (HRA) process to ensure that potential impacts to the Inner Hebrides and the Minches SAC and potential effects of construction on harbour porpoise are not significant.</p>	Not Significant

⁷ [Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise \(jncc.gov.uk\)](http://jncc.gov.uk)

Topic / Receptor	Potential Impacts	Potential Mitigation	Significance of Effects
		An EPS Licence will be applied for due to likely disturbance of porpoise (due to piling for the aligning structure) and for any other EPS identified by ecological surveys (i.e. otter). Surface water run-off and accidental spills and leakages are standard construction industry hazards and are commonly and routinely managed using current industry standard practices and procedures.	
Ecological constraints	<ul style="list-style-type: none"> Species mortality/injury. 	An EPS Licence will be applied for disturbance of any European Protected Species identified by surveys (i.e. otter). Standard best practice mitigations measures will be used including an ecological survey and Construction Environment Management Plan (CEMP). This will ensure that the potential impact for species mortality and injury are mitigated for and therefore not significant.	Not Significant
Invasive Non Native Species	<ul style="list-style-type: none"> Spread of INNS. 	Spread of INNS would be managed using standard mitigation measures in line with recommendations in the Scottish Government Code of Practice on Non-Native Species, a precautionary approach will be taken for materials/equipment used.	Not Significant
Water quality	<ul style="list-style-type: none"> Surface water run-off from construction activities; and Accidental spills or leaks from construction or vessels. 	Surface water run-off and accidental spills and leakages are standard construction industry hazards and are commonly and routinely managed using current industry standard practices and procedures and a CEMP.	Not Significant
Flood risk	<ul style="list-style-type: none"> Risk to construction compounds from coastal flooding. 	The implementation of Best Practice Measures and CEMP will be adopted (including signing up to flood alerts and siting of compounds outside of the floodplain) to avoid flood risk to construction works during the construction phase.	Not Significant
Noise	<ul style="list-style-type: none"> Generation of noise from piling activity; and Vessels arriving with construction materials. 	The proposed piling works is considered to have the potential to cause significant levels of noise. However, piling works will be temporary and short-term. The closest residential receptor is over 900m away. The implementation of Best Practice Measures, such as restrictions on working hours, and CEMP will manage potential noise impacts to human receptors. Impacts from increased vessel activity are not anticipated as the activity is in line with the current use of the port.	Not Significant
Climate and air	<ul style="list-style-type: none"> Dust emission from construction activities; Increased emissions due to increased vessel activity; and 	Application of the standard dust control and management techniques, as laid out in the Institute of Air Quality Management (IAQM)	Not Significant

Topic / Receptor	Potential Impacts	Potential Mitigation	Significance of Effects
	<ul style="list-style-type: none"> Embodied carbon in construction materials. 	<p>guidance document⁸ and CEMP would ensure that no significant effects arise in respect of dust or fine particulate matter.</p> <p>The upgrading of port infrastructure to accommodate the new electric vessels will provide sustainable low carbon transportation for the area.</p>	
Heritage	<ul style="list-style-type: none"> Direct physical impacts 	<p>There are no recorded heritage assets within 500m of the proposed works therefore direct (physical) impacts to known historic assets will not occur.</p>	Not Significant
Navigation	<ul style="list-style-type: none"> Risk of collision due to the presence of construction vessels; Restriction or delay of port activities due to the presence of construction vessels; and, Reduced visibility of other nearby vessels at night due to construction lighting. 	<p>Standard best practice mitigations measures will be used. Construction and operation activities associated with the proposed development will be managed through the issuing of Notice to Mariners.</p>	Not Significant

7 Conclusion

Based on the potential effects resulting from the proposed works at Fishnish, we do not consider the proposed works to constitute an EIA development in accordance with the Marine EIA Regulations.

The potential for environmental effects of the proposed works will be managed by the use of best practice, the proposed technical assessments and management plans, including ecological survey and a Construction Environment Management Plan (CEMP).

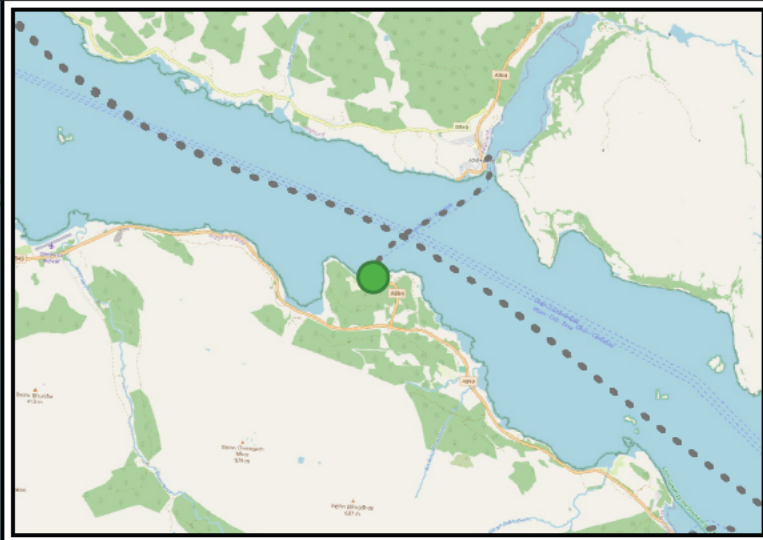
We would be grateful if MD-LOT could provide a formal EIA screening opinion confirming whether an EIA is required under the Marine EIA Regulations. Argyll and Bute Council have indicated, through pre-application advice, that an EIA is not required under the Town and Country Planning (EIA) (Scotland) Regulations.

Yours sincerely,

Evonne Maxwell

Principal Environmental Consultant (Marine)
Water & Maritime

⁸ [construction-dust-2014.pdf \(iaqm.co.uk\)](#)



LEGEND

- Fishnish terminal
- Ferry Route
- Proposed works areas
- Mean High Water Spring
- Mean Low Water Spring

PO1	OCT 2024	FIRST ISSUE	RG
REV	DATE	DESCRIPTION	RG

CLIENT



CMAL
Caledonian Maritime Assets Ltd
Stòras Mara Cailleannach Eò

Project:
SMALL VESSEL REPLACEMENT PROJECT

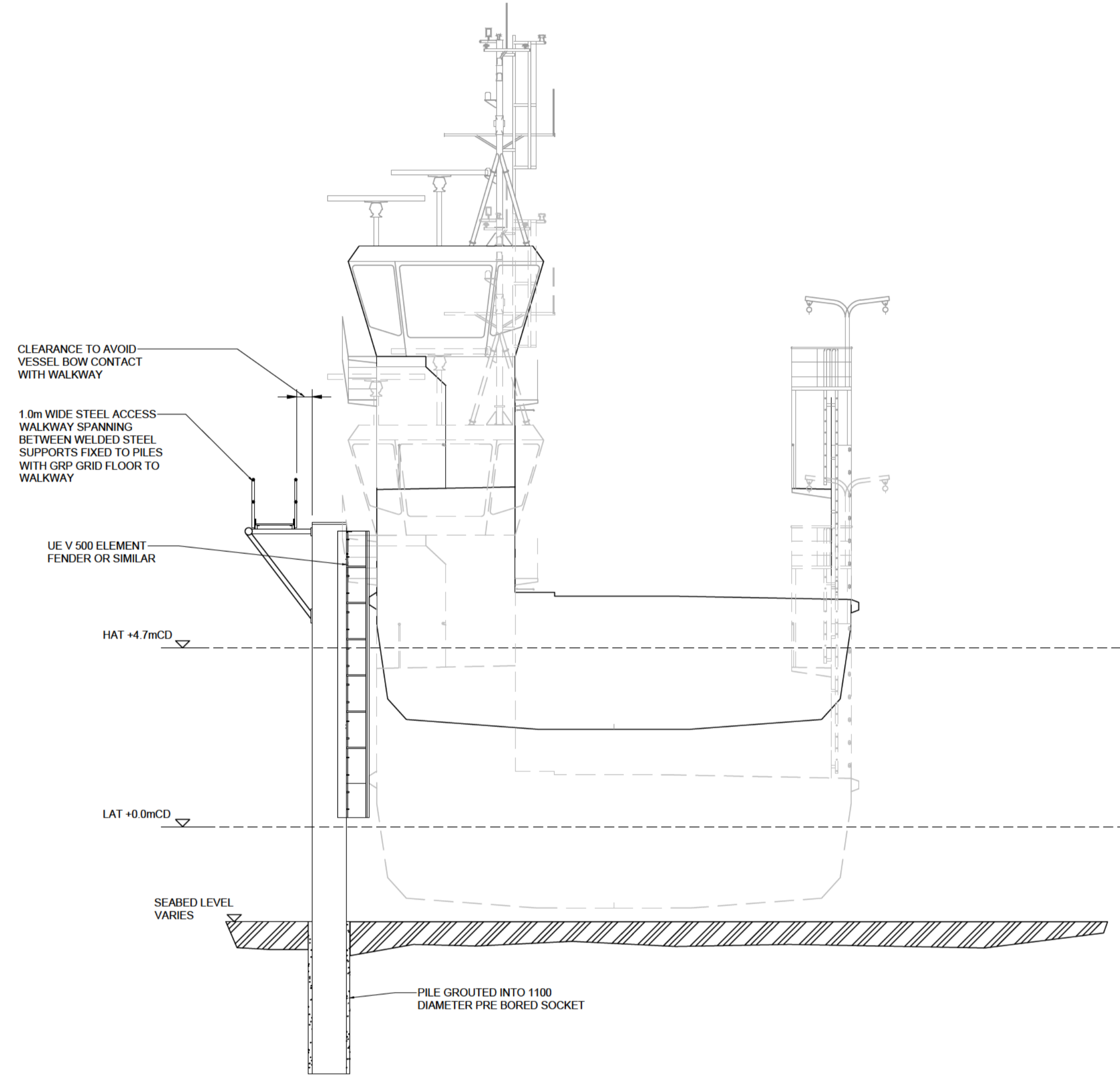
Title:
FISHNISH FERRY TERMINAL LOCATION PLAN



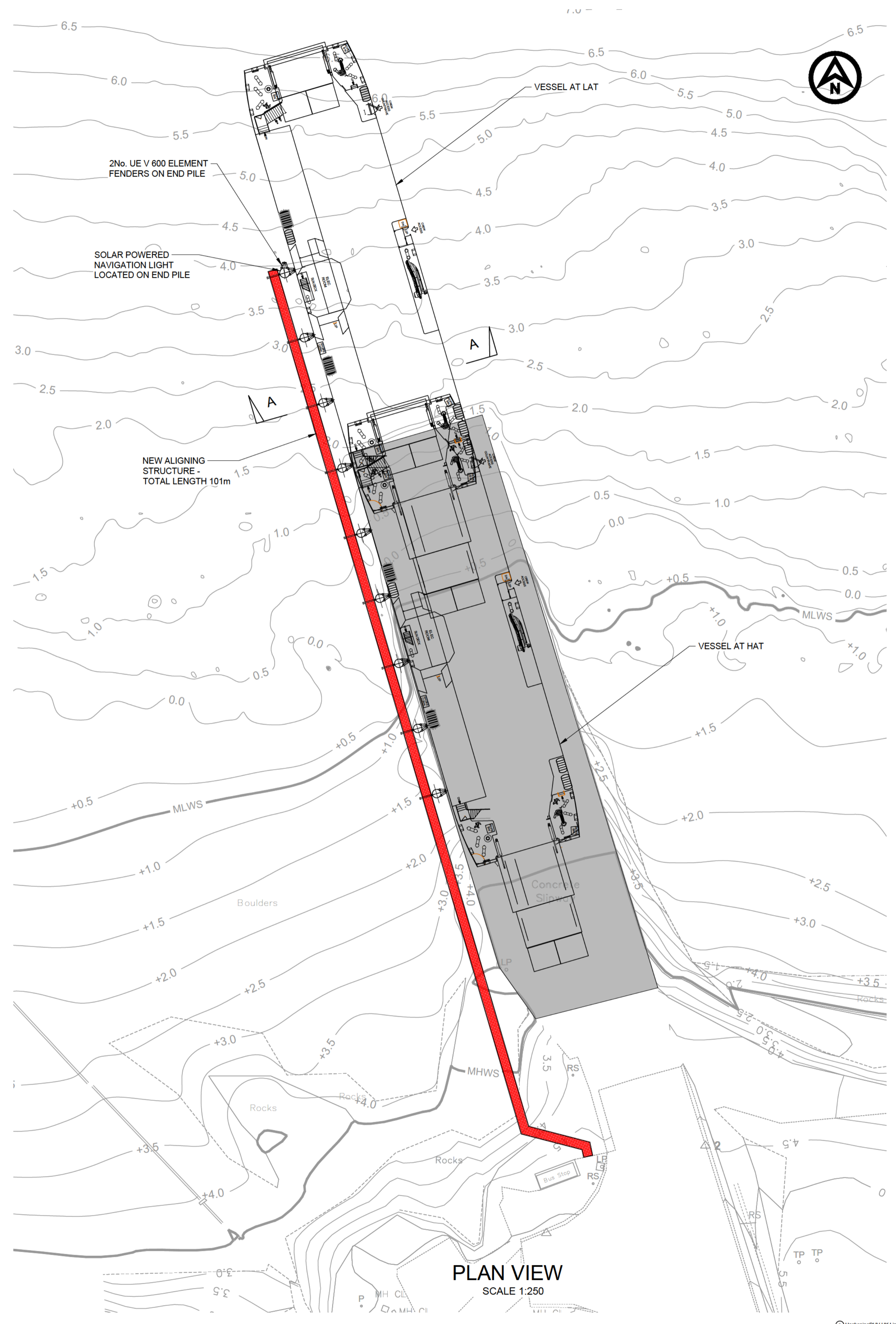
Royal HaskoningDHV
Enhancing Society Together

DRAWN RG	CO ORD NATE SYSTEM OSGB36	APPROVED EM
DATE OCT' 2024	SCALE 1 : 1,250	FIGURE 1-1

DRAW NG No
PC5424-RHD-XX-XX-DR-EV-0001



TYPICAL CROSS SECTION A-A
SCALE 1:100



PLAN VIEW
SCALE 1:250

- NOTES
1. ALL DIMENSIONS ARE IN METRES, UNLESS NOTED OTHERWISE.
 2. ALL LEVELS ARE IN METRES ABOVE CHART DATUM (MARKED ±0.00m CD). CHART DATUM IS -2.12m BELOW ORDINANCE DATUM.
 3. SEA BED LEVELS BASED ON 2016 BATHYMETRIC SURVEY.

REV	DATE	DESCRIPTION	BY	CHK	APP	
P01	JUNE 2024	FIRST ISSUE		MCP	SW	AR

REVISIONS

CLIENT



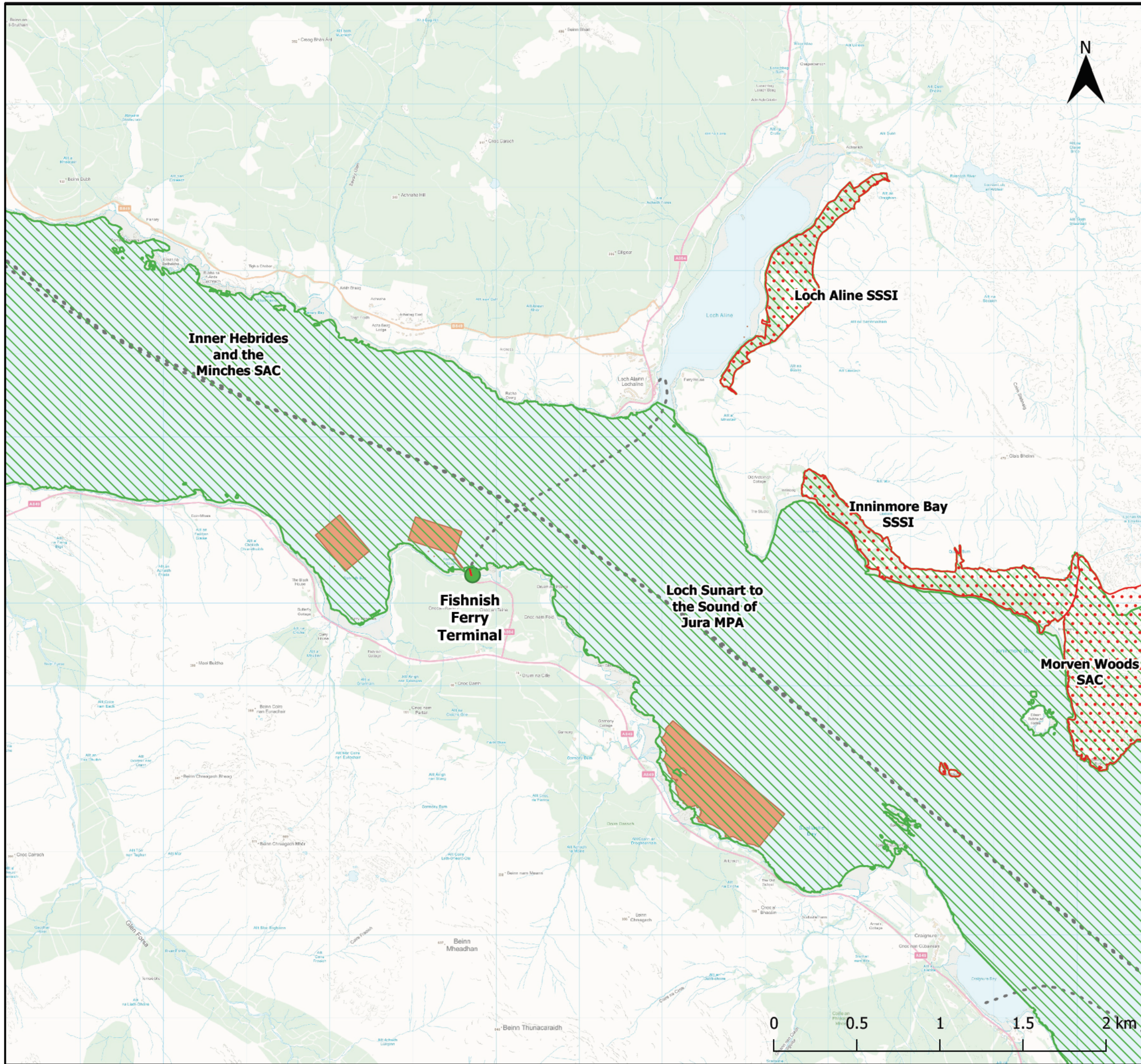
PROJECT
SMALL VESSEL REPLACEMENT PROJECT

TITLE
FISHNISH - ALIGNING STRUCTURE OPTION 1



DRAWN	MCP	CHECKED	SW	APPROVED	AR
DATE	JULY 2024	SCALE	AT A1	AS INDICATED	REF: PC5424-RHD-AS-FH-D-Z-1022.dwg

DRAWING No.	SUITABILITY	REVISION
PC5424-RHD-AS-FH-D-Z-1022	S1	P01



LEGEND

Fishnish Ferry Terminal	SAC
Ferry Route	SSSI
Fishnish Salmon Farm	

PO1	OCT 2024	FIRST ISSUE	RG
REV	DATE	DESCRIPTION	RG

CLIENT



CMAL
Caledonian Maritime Assets Ltd
Stòras Mara Cailleanach Eòla

Project: **SMALL VESSEL REPLACEMENT PROJECT**

Title: **FISHNISH FERRY TERMINAL CONSTRAINTS MAP**



Royal HaskoningDHV
Enhancing Society Together

DRAWN RG	COORDINATE SYSTEM OSGB36	APPROVED EM
DATE OCT' 2024	SCALE 1 : 45,000	FIGURE 1-1

DRAWING No
PC5424-RHD-XX-FH-D-EV-1021