

Kikfinichen Pier



Marine Licence Application Pre-application Consultation Report

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Executive Summary

The Pre-application Consultation (PAC) report has been prepared in accordance with Sections 23 and 24 of the Marine (Scotland) Act 2010. The PAC has been prepared to support the proposed Marine Licence application for a pier application in Kilfinichen, Isle of Mull.

A PAC event was held at which those persons mentioned in regulation 6(2) and members of the public were able to provide comments to the prospective applicant as regards the licensable marine activity to which the marine licence is to relate.

A notice advertising the PAC event was published in a local newspaper. The template for the advert contained the following information:

- a description, including the location of the licensable marine activity for which the marine licence is to be sought;
- details as to where further information could be obtained concerning the proposed licensable marine activity;
- the date and place of the PAC event;
- a statement explaining how persons wishing to provide comments to the prospective applicant relating to the proposed licensable marine activity may do so and the date by which this must be done and;
- a statement that comments made to the prospective applicant are not representations to the Scottish Ministers and that if the prospective applicant makes an application for a marine licence that there will be an opportunity for representations to be made to the Scottish Ministers on the application.

Statutory Consultees listed in section 6 (2) of the Act

- The Commissioners of Northern Lighthouses;
- The Maritime and Coastguard Agency;
- The Scottish Environment Protection Agency and;
- Scottish Natural Heritage

were emailed details of the proposed development on 13th July, 2017 (no earlier than 6 weeks prior to the consultation event) with associated plans and designs sent as attachments.

The PAC event was held no earlier than six weeks after the later of

- the date on which the a notice was published in the local newspaper 13th July, 2017.
- the date the statutory Consultees were notified 13th July, 2017.

A total of 6 people attended the PAC event. Following advice from Marine Scotland a period of 7 days from the PAC event was allowed for the submission of written responses from attendees. One response was submitted.

No objections were received in relation to the proposed Marine Licence application from either the statutory Consultees or the public.

The consultation was conducted by Kilfinichen Estate and any responses are considered representations to Kilfinichen Estate and not to the Scottish Ministers as detailed in s 7(b)(v) of the Marine Licencing (Pre-application) (Scotland) Regulations 2013.

Background

Deposit and construction activity in Scotland's seas is regulated by the Marine (Scotland) Act 2010, which applies in the Scottish Inshore Region (0 – 12 nm), and the Marine and Coastal Access Act 2009, which applies in the Scottish Offshore Region (12 – 200 nm).

Sections 22, 23 and 24 of the Marine (Scotland) Act 2010 provide that Scottish Ministers may prescribe, by regulations, that certain classes or descriptions of licensable marine activity are subject to the pre-application consultation procedure and, together with the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013, set out what that process entails.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 ('the Regulations') were laid before the Scottish Parliament on 10 October 2013. **They prescribe the marine licensable activities that are subject to pre-application consultation and, in combination with the Marine (Scotland) Act 2010, set out the nature of the pre-application process.** The legislation comes into force on 1st January 2014 and applies to all relevant marine licence applications submitted to MS-LOT on or after 6 April 2014.

The classes or descriptions of licensable marine activities which are prescribed include the following:

- *The construction of a bridge, causeway or walkway within the Scottish marine area either over the sea or on or under the seabed, but only where such bridge, causeway or walkway exceeds 50 metres in length*
- *Construction works (other than for a renewable energy structure) in or over the sea or on or under the seabed where the area of the works exceeds 1000 square metres.*

As the proposed pier development exceeds 50 metres from the MHWS and 1000 square metres it is subject to the Regulations.

Introduction

The report describes the PAC undertaken by Kilfinichen Estate to satisfy The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013. It presents details of the following:

- a description of the PAC event
- the information provided by the prospective applicant at the PAC event
- information received by the prospective applicant at the prior, during and 7 days after the PAC event
- amendments made or to be made to the application for a Marine Licence by the prospective applicant following consideration of comments and/or objections received and;
- an explanation of the approach taken by the prospective applicant where following relevant comments and/or objections being received by the prospective applicant at the PAC event, no relevant amendment is made to the application for a marine licence.

Methodology

The Regulations require the following procedure to be adhered to in respect of the PAC event.

1. The prospective application for a marine licence who considers the activity in respect of which a licence may, or is to, be sought or is to, be of a class or description prescribed in regulation 4 may notify the Scottish Ministers requiring a pre-application statement from them.

The proposed marine activity corresponded with one of the classes, descriptions of prescribed licensable marine activity subject to the Regulations. Following discussion and exchange of documentation (including a plan identifying the area of the Scottish marine area subject to the prospective application for a marine licence and a description of the nature and purpose of the licensable marine area and its possible effects on the environment) with Marine Scotland it was agreed a pre-application consultation would not be required prior to engaging in the pre-application consultation procedure.

2. The Regulations require the prospective applicant for a marine licence to give notification that an application for a marine licence is to be submitted to the following statutory Consultees:
 - a) the Commissioners of the Northern Lighthouses;
 - b) the Maritime and Coastguard Agency
 - c) the Scottish Environment Protection Agency
 - d) Scottish Natural Heritage; and
 - e) any delegate of a marine region where the application for a marine licence is for an activity which is to be carried out wholly or partly in that region.

Notice was sent by receipted email and followed up by telephone. Copies of the responses received are presented in appendix (ii)

3. The prospective applicant for a marine licence is required to hold at least one public consultation event at which statutory consultees and members of the public may provide comments to the prospective applicant as regards the licensable marine activity to which the application for a marine licence is to relate.

A notice is required to be published in the local newspaper containing the following:

- a description, including the location of, the licensable marine activity for which the marine licence is sought and details;
- details as to where further information may be obtained concerning the proposed licensable marine activity
- the date and place of the PAC event;
- a statement explaining how persons wishing to provide comments to the prospective applicant relating to the proposed licensable marine activity may do so, and the date by which this must be done; and
- a statement that comments made to the prospective applicant are not representations to the Scottish Ministers and that if the prospective applicant makes an application for a marine licence that there will be an opportunity for representations to be made to the Scottish Ministers on the application.

A notice was placed in both the 'Oban Times' published 13th July, 2017 and also the August edition of the local newspaper 'Round & About'. A copy of the notice is presented in appendix (i).

Information on the PAC event to the statutory consultees was provided in the cover email forwarded to them 13th July, 2017. See appendix (ii).

4. The regulations state the PAC event must be held no earlier than six weeks after the later of
 - the date on which a notice is placed in a local newspaper or;
 - the date on which notification an application for a marine licence is to be submitted to the statutory consultees.

The publication of the notice in the Oban Times on 13th July, 2017 was the later of the events and the number of weeks between this and the PAC event on Thursday 24th August, 2017 exceeds 6 weeks.

PAC report

1. Proposed Licensable Marine Activity

Please describe below or, where there is insufficient space, in a document attached to this form the proposed licensable marine activity, including its location

Construction of a JST floating pier with rock armoured approach, L- shaped return leg and 20 m long pontoon with access bridge.

2. Applicant Details

Title	Initials	Surname
Mr	[Redacted]	

Trading Title (if appropriate)

Kilfinichen Farms LLP

Address

Kilfinichen, Isle of Mull, Argyll PA69 6ER

Name of contact (if different)

Position within Company (if appropriate)

Owner

Telephone No. (inc. dialling code)

[Redacted]

Fax No. (inc. dialling code)

Company Registration No.

Email

[Redacted]

Is this prospective applicant the proposed licensee?

☒

YES

☐

NO

If NO, please complete Section 3 below.

3. Proposed Licensee Details

Title	Initials	Surname

Trading Title (if appropriate)

Address

Name of contact (if different)

Position within Company (if appropriate)

Telephone No. (inc. dialling code)

Fax No. (inc. dialling code)

Company Registration No.

Email

5. Pre-application Consultation Event

Please describe below or, where there is insufficient space, in a document attached to this form the pre-application consultation event

The PAC event was held in Kilfinichen Steadings. It was a walk about consultation to maximise accessibility to the material and the ability for the public to interact with Mr. [Redacted] the project sponsor. Large scale plans and drawings were displayed and Mr. [Redacted] gave an opening address explaining the background for the pier, the differences between the revised scheme and the one which had already received planning consent. The distinction between the planning application and the prospective Marine Licence application was made with the planning application relating to those elements of the proposed project located above the MLWS and the prospective Marine Licence to those below the MHWS. Following the opening address the assembled company moved across the road to the proposed pier site and the layout was further discussed, along with other points of clarification. Finally, the company moved back to the steadings for a further question and answer session which chiefly related to transport and access from the public road to the pier and forest haul road.

6. Information provided by the Prospective Applicant at the Pre-application Consultation Event

Please provide below or, where there is insufficient space, in a document attached to this form detail of any information provided by the prospective applicant for a marine licence at the pre-application consultation event

Pier plans
Pier sectional detail
Location plans

7. Information received by the Prospective Applicant at the Pre-application Consultation Event

Please provide below or, where there is insufficient space, in a document attached to this form detail of any comments and objections received by the prospective applicant for a marine licence at the pre-application consultation event

No written objections to the prospective Marine Licence application were received. All comments received from the public at the meeting were supportive of the scheme. The statutory consultees and public responses to the PAC are listed in full appendices (iii) and (iv) respectively.

8. Amendments made, or to be made, to the Application for a Marine Licence by the Prospective Applicant following their Consideration of Comments and/or Objections received at the Pre-application Consultation Event

Where any amendments are made, or are to be made, by the prospective applicant for a marine licence to the marine licence application as a direct result of their consideration of comments and/or objections received at the pre-application consultation event, please

provide below or, where there is insufficient space, in a document attached to this form details of such amendments

No written objections were received for the prospective Marine Licence application from either the statutory consultees or the public. In light of this it was decided to proceed with the Marine Licence application as originally conceived.

9. Explanation of Approach taken by the Prospective Applicant where, following Relevant Comments and/or Objections being received by the Prospective Applicant at the Pre-application Consultation Event, no Relevant Amendment is made to the Application for a Marine Licence

Where, following comments and/or objections having been received by the prospective applicant for a marine licence at the pre-application consultation event, no relevant amendment is made to the application for a marine licence by the prospective applicant, then please provide below or, where there is insufficient space, in a document attached to this form an explanation for the approach taken

No written objections were received for the prospective Marine Licence application from either the statutory consultees or the public. In light of this it was decided to proceed with the Marine Licence application as originally conceived.

CERTIFICATION

Insert name	[Redacted]
Insert Address	Kilfinichen
Town	Isle of Mull
County	Argyll
Postcode	PA69 6ER

I certify that I have complied with the legislative requirements relating to pre-application consultation and that the pre-application consultation has been undertaken in accordance with the statutory requirements.

[Redacted]

13th September, 2017

Signature _

Date _____

Appendices

- i. Notice of Pre-application Consultation Event
- ii. Notification to Statutory Consultees
- iii. Statutory Consultee responses
- iv. Comments received from the public

i. Notice of Pre-application Consultation Event

KILFINICHEN FARMS LLP MARINE (SCOTLAND) ACT 2010

**THE MARINE LICENSING (PRE-APPLICATION CONSULTATION)
(SCOTLAND) REGULATIONS 2013**

Notice is hereby given that Kilfinichen Farms LLP, Tioran, Isle of Mull PA69 6ER will hold a pre-application consultation event regarding a proposed licensable marine activity at Kilfinichen, The Steadings, Kilfinichen, Isle of Mull PA69 6ER grid reference NM49810- 28286. The activity consists of the construction of a pier for the removal of harvested timber.

Further information, can be obtained concerning the proposed pier development from:

[Redacted] Kilfinichen
Farms, Kilfinichen, Isle of Mull,
PA69 6ER

The pre-application consultation event will be held on Thursday 24th August at 9.30 am:

At The Steadings, Kilfinichen, Isle
of Mull PA69 6ER

Persons wishing to provide comments on the proposed construction of the pier can do so by writing to the prospective applicant at:

[Redacted]

Or by post to

Kilfinichen Farms LLP, Kilfinichen, Isle of Mull PA69 6ER, not later than 22/08/2017

Comments should be dated and should clearly state the name (in block capitals) and full return email or postal address of those making comment. Comments made to the prospective applicant are not representations to the Scottish Ministers. If Kilfinichen Farms submits an application for a marine license to Scottish Ministers, an opportunity will be given for representations to be made to the Scottish Ministers on the application.

ii. Notice of Pre-application Consultation Event: statutory consultees

Dear Sirs

We write to notify you that Kilfinichen Farms LLP, Tioran, Isle of Mull PA69 6ER, will hold a pre-application consultation event regarding a proposed licensable marine activity at Kilfinichen, The Steadings, Kilfinichen, Isle of Mull PA69 6ER grid reference NM49810- 28286. The activity consists of the construction of a pier for the removal of harvested timber.

Plans of the proposed pier development will be available at www.kilfinichen.com

Further information, can be obtained concerning the proposed pier development from:

- [Redacted], Kilfinichen Farms, Kilfinichen, Isle of Mull, PA69 6ER.

The pre-application consultation event will be held on Thursday 24th August at 9.30 am:

- At The Steadings, Kilfinichen, Isle of Mull, PA69 6ER.

If you wish to provide comments on the proposed construction of the pier you can do so by writing to the prospective applicant at:

- [Redacted]

Or by post to:

- Kilfinichen Farms LLP, Kilfinichen, Isle of Mull PA69 6ER, not later than 22/08/2017

Comments should be dated and should clearly state the name (in block capitals) and full return email or postal address of those making comment. Comments made to the prospective applicant are not representations to the Scottish Ministers. If Kilfinichen Farms submits an application for a marine licence to Scottish Ministers, an opportunity will be given for representations to be made to the Scottish Ministers on the application.

A copy of the Notice that will be placed in the Oban Times and the Mull & Iona Round & About is attached for your information.

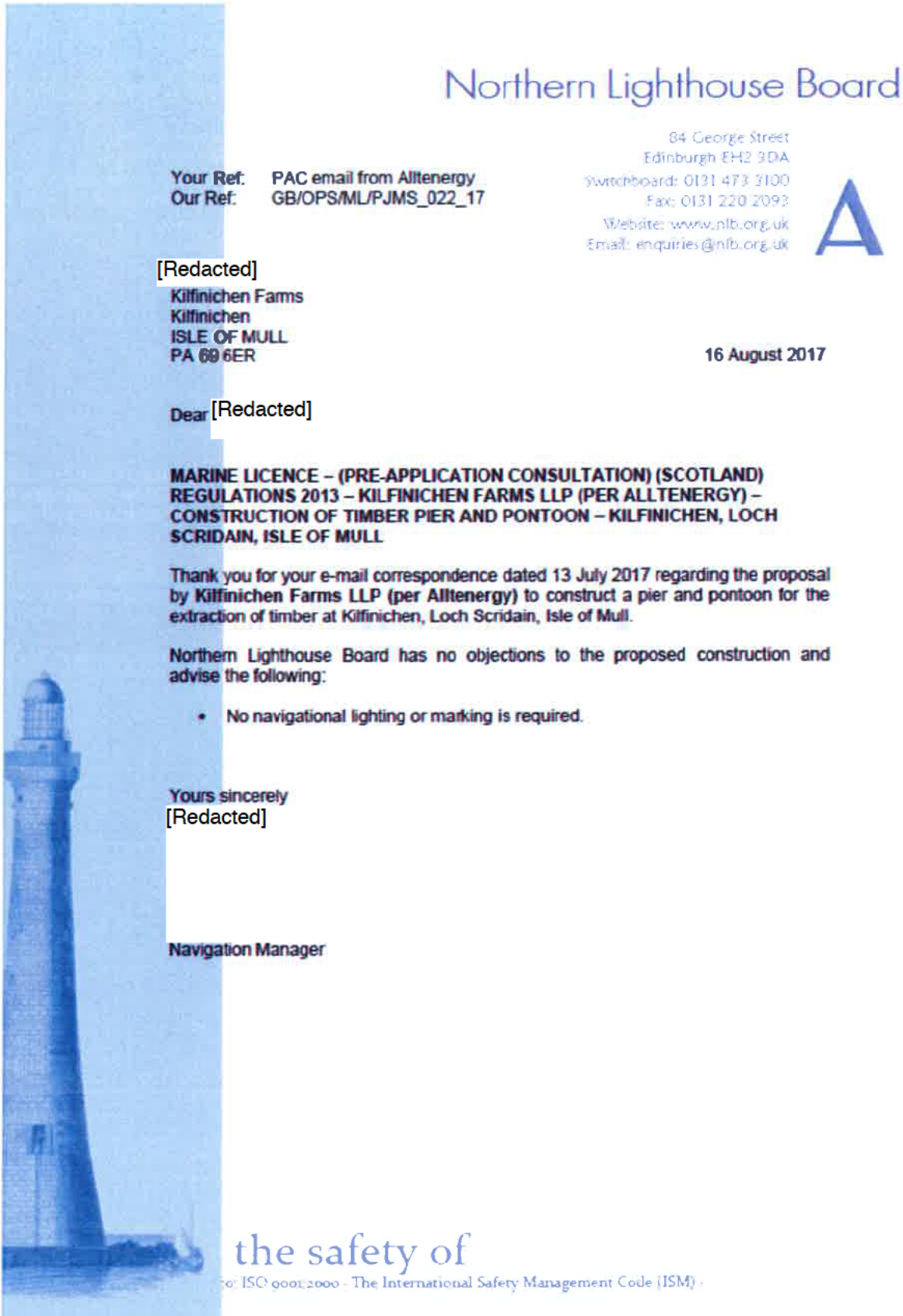
The proposed pier facility was granted Planning Permission by Argyll & Bute Council - planning ref: 15/00197/PP. I attach a copy of your response to the Planning Consultation for your reference. Some design and layout alterations have been necessary and we are therefore in the process of submitting an application to amend the Planning Permission – and bring it in line with the proposed design for the marine licence application.

Regards,

[Redacted]

(on behalf of Kilfinichen Farms LLP)

iii. Statutory Consultee responses



Northern Lighthouse Board

84 George Street
Edinburgh EH2 9DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: PAC email from Alltenergy
Our Ref: GB/OPS/ML/PJS_022_17

[Redacted]
Kilfinichen Farms
Kilfinichen
ISLE OF MULL
PA 69 6ER

16 August 2017

Dear **[Redacted]**

**MARINE LICENCE – (PRE-APPLICATION CONSULTATION) (SCOTLAND)
REGULATIONS 2013 – KILFINICHEN FARMS LLP (PER ALLTENERGY) –
CONSTRUCTION OF TIMBER PIER AND PONTOON – KILFINICHEN, LOCH
SCRIDAIN, ISLE OF MULL**

Thank you for your e-mail correspondence dated 13 July 2017 regarding the proposal by Kilfinichen Farms LLP (per Alltenergy) to construct a pier and pontoon for the extraction of timber at Kilfinichen, Loch Scridain, Isle of Mull.

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

- No navigational lighting or marking is required.

Yours sincerely
[Redacted]

Navigation Manager

the safety of
to ISO 9001:2000 - The International Safety Management Code (ISM) -

Comments received from the public

From: [Redacted]
To:
Subject: Pier Presentation
Date: 29 August 2017 16:01:11
Attachments: [Image001.png](#)

Dear [Redacted]

Just a short note to thank you for the Marine Licence presentation last week.

I have informed directors about the proposals, and would personally like to say that it looks an excellent scheme. I wish you well with the application.

Best wishes

[Redacted]

South West Mull and Iona Development
Address for correspondence: The Hill House, Pennyghael, Isle of Mull, PA70 6HF

[Redacted]

tinoran@swmid.co.uk

www.swmid.co.uk



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