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## **Marine Directorate - Licensing Operations Team Scoping Opinion**

**Scoping Opinion adopted by the Scottish Ministers  
under Part 4 of The Marine Works (Environmental  
Impact Assessment) (Scotland) Regulations 2017**

**Argyll and Bute Council (per RPS Group)**

**Breakwater Extension, Tayinloan**

**March 2025**

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## **1. Introduction**

### **1.1 Background**

- 1.1.1 On 08 August 2024, the Scottish Ministers received a scoping report (“the Scoping Report”) from Argyll and Bute Council (per RPS Group) (“the Applicant”) as part of its request for a scoping opinion relating to Tayinloan Breakwater Extension Project (“the Proposed Works”). In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) the Scottish Ministers considered the content of the Scoping Report to be sufficient.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations (“the Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works. The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken. In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”). In the event that the Applicant does not submit applications for marine licences under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that

the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

## **2. The Proposed Works**

### **2.1 Introduction**

- 2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

### **2.2 Description of the Proposed Works**

- 2.2.1 The Proposed Works are for the extension to an existing breakwater at Tayinloan Ferry Terminal, located approximately 600 metres ("m") to the northwest of the centre of Tayinloan Village on the west coast of the Kintyre Peninsula, on the eastern shore of the Sound of Gigha.
- 2.2.2 The Proposed Works are being undertaken in support of the Small Vessels Replacement Programme ("SVRP") which plans to introduce larger hybrid/electric ferries to ferry routes, including the lifeline ferry service linking the Isle of Gigha to Tayinloan. The purpose of the Proposed Works is to facilitate the larger ferries on this route.
- 2.2.3 There are also proposed works comprising of widening the existing slipway and construction of a new breakwater to provide overnight berthing facilities on the west coast of the Isle of Gigha, which are subject to a separate EIA Scoping Opinion by the Scottish Ministers.
- 2.2.4 The current design of the breakwater is a rock core overlain with primary and secondary armour and topped with a concrete crest wall. The Proposed Works are likely to comprise an approximately 70 m extension to the breakwater, which is not intended to provide any additional berthing facilities but to enhance protection to the ferry on approach to the slipway during south westerly gales and to manage the build-up of weed and sediment around the slipway area. The final design specification of the breakwater structure will be dependent on the results of ground investigation works to assess the depth of bed rock to the surface and the quality of that rock which will both inform foundation types to be used and the possibility of rock socketing for piled foundations if required.

- 2.2.5 The Proposed Works also include dredging to provide the required depth for the new ferries to operate. Dredged material is anticipated to consist mainly of sand and gravel, with rock present in the area around the base of the existing slipway. The intention is to re-use the dredge material for beach renourishment or as infill for the new breakwater structure. If the dredge material is not suitable for these purposes it will be disposed of at an existing licensed deposit site. The dredging method to be used will likely be digging or ripping through the use of a long reach excavator either mounted on a barge, on the existing slipway, or on land adjacent to the site. It is not anticipated that rock blasting will be required.
- 2.2.6 The Applicant anticipates the need to import the majority of materials required for the construction of the breakwater structure, likely bringing them to site by barge. Access is limited and the Proposed Works are therefore anticipated to be carried out from either the existing slipway using either barged-based plant, land based plant or a combination of both methods or the sea by Jack-Up barge.
- 2.2.7 Due to weather constraints and the exposed nature of the Tayinloan site, it is anticipated much of the Proposed Works and delivery of construction materials by barge will occur during the summer months. Construction may be required outwith normal working hours to limit the disruption to the lifeline ferry service to Gigha from the Tayinloan slipway.
- 2.2.8 Following the construction phase of the Proposed Works, the Applicant considers ongoing operational and maintenance activities to comprise routine inspections, together with preventative and corrective maintenance, which may include periodic replenishment of the rock armour, repair of cracks and joints and vegetation control.

### **2.3 The Scottish Ministers' Comments**

#### Description of the Proposed Works

- 2.3.1 The Proposed Works will include dredging but the Applicant has stated that there will be no sea deposit of the dredged material. The Applicant has indicated that if found to be suitable, the dredged material will be used as infill in the breakwater construction or as beach recharge on nearby beaches.
- 2.3.2 The Scottish Ministers note that site investigation and material characterisation have not yet been undertaken. This must be done in advance of the preparation of the EIA Report so that the results can be

presented and an assessment made of the environmental impacts of the final design decision. The Scottish Ministers advise that if there is any doubt as to the suitability of the dredge material for use in the breakwater construction or beach recharge, the worst case scenario must be assessed. This includes the scenario where all of the dredged material is required to be deposited at sea (subject to no contamination issues being found and a suitable deposit site being identified), and all of the infill material is required to be sourced from an alternative location and transported to site. The Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered.

- 2.3.3 The Applicant does not anticipate the requirement for rock blasting as part of the dredging operations round the existing slipway, instead considering digging or ripping will be sufficient. The Scottish Ministers advise that if there is any doubt as to the requirement for rock blasting or drilling to remove the dredge material, the worst case scenario must be assessed whereby rock blasting or drilling are required to achieve the required depth. The Applicant must take any increase in noise generated by these activities into account when considering this option.
- 2.3.4 The Applicant notes that the design details of the Proposed Works have yet to be fully defined, and a 'design and build' approach will be used to retain flexibility in terms of design specification and location taking account of feedback from ferry operations and contractors, as well as availability of plant hire and getting materials to site. The advice provided in this Scoping Opinion is therefore proportionate to the level of detail contained in the Scoping Report. The Scottish Ministers advise that the EIA Report and associated applications must include relevant, up-to-date and specific information in order to provide a full understanding of the scale, methodology, and timings of the Proposed Works.
- 2.3.5 The Applicant has not included substantive detail on the commencement nor the timings of the Proposed Works. The EIA Report must contain a timescale for the Proposed Works. The EIA Report should include an assessment for the entirety of the Proposed Works.

## Design Envelope

- 2.3.6 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be



defined precisely, the Applicant will apply a worst case scenario, as set out in 4.2 of the Scoping Report.

- 2.3.7 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the application for the marine licence and the accompanying EIA Report.
- 2.3.8 The Scottish Ministers will determine the application based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in Section 7 below regarding multi-stage regulatory approval. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.
- 2.3.9 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

## Alternatives

- 2.3.10 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers note that the Applicant's Scoping Report did not indicate any consideration of alternatives.

2.3.11 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

### **3. Contents of the EIA Report**

#### **3.1 Introduction**

- 3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in section 5 of this Scoping Opinion.

#### **3.2 EIA Scope**

- 3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.

#### **3.3 Mitigation and Monitoring**

- 3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.
- 3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

- 3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.
  
- 3.3.4 Where potential impact on the environment has been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

## 4. Consultation

### 4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 4 September 2024. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- **Argyll & Bute Council**
- Caledonian MacBrayne West Coast
- *Caledonian Maritime Assets Limited*
- Crown Estate Scotland
- Defence Infrastructure Organisation
- Fisheries Management Scotland
- **Gigha Community Council**
- **Historic Environment Scotland (“HES”)**
- **Maritime and Coastguard Agency (“MCA”)**
- Marine Directorate Scotland Fishery Office Campbeltown
- Marine Safety Forum
- National Trust for Scotland
- **NatureScot, operating name of Scottish Natural Heritage**
- **Northern Lighthouse Board (“NLB”)**
- Royal Society for the Protection of Birds Scotland (“RSPB”)
- Scottish Creel Fishermen’s Federation
- *Scottish Environment Protection Agency North Planning Team*
- Scottish Fishermen’s Federation
- Scottish Fishermen's Organisation
- **Scottish Water**
- Scottish White Fish Producers Association
- UK Chamber of Shipping
- UK Hydrographic Office
- Visit Scotland
- West Coast Regional Inshore Fishery Group
- West Kintyre Community Council
- Whale and Dolphin Conservation

- 4.1.2 Specific advice was sought from the Marine Directorate (“MD”) – Planning and Policy, MD – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

## **4.2 Responses received**

- 4.2.1 From the list above a total of 9 responses were received. Advice was also provided by MAU. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.
- 4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

## **5. Interests to be considered within the EIA Report**

### **5.1 Introduction**

- 5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MAU must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

### **5.2 Soils, Geology and Contamination**

- 5.2.1 The Applicant considers soils, geology and contamination in Section 6 of the Scoping Report. In Table 6-2 the Applicant has identified a number of potential impacts and proposes that soils, geology and contamination are scoped in for further assessment in the EIA Report in relation to the construction phase and scoped out in relation to the operational and maintenance phase.
- 5.2.2 The Scottish Ministers agree with representation from NatureScot and advise that future maintenance dredging must be scoped in for further assessment in the EIA Report for the operational and maintenance phase. This must include the anticipated frequency and footprint of maintenance dredging.
- 5.2.3 The Scottish Ministers agree with Argyll and Bute Council and welcome the proposed assessment, including the embedded mitigation, and the EIA methodology.
- 5.2.4 The Scottish Ministers agree with the Applicant's proposal to scope in all impacts on soils, geology and contamination during the construction phase of the Proposed Works for further assessment within the EIA Report. In respect of impacts occurring during the operational and maintenance phase, the Scottish Ministers also agree with the Applicant's proposal to scope out the identified impact pathways, however, advise that impacts associated with future maintenance dredging during this phase of the Proposed Works must be scoped in for further assessment in line with NatureScot advice.

### 5.3 Air Quality and Climate

- 5.3.1 The Applicant considers air quality and climate in Section 7 of the Scoping Report. On the basis of the impacts identified for air quality in Table 7-2 and Table 7-7 for climate change the Applicant proposes that air quality and climate are scoped in for further assessment in the EIA Report in relation to the construction phase and scope out impacts identified relating to the operation and maintenance phase.
- 5.3.2 The Scottish Ministers recognise the Applicants proposed assessment of Greenhouse Gas (“GHG”) emissions from the construction phase of the project and the acknowledgement that it contributes to climate change. In this regard, the Scottish Ministers agree with the proposed use of the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be considered to be significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore agree that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment (“LCA”) approach and note that the IEMA GHG Guidance provides further insight on this matter.
- 5.3.3 The Applicant proposes to scope in dust and particulates generation and traffic generation during the construction phase and scope all out during the operational phase. The Applicant expects an increase in dust and particulates as well as an increase in vessel movements during the construction phase. Mitigation to limit the impact of these increases will be provided in the outline Construction Environment Management Plan (“oCEMP”).
- 5.3.4 The Scottish Ministers agree with the approach to, and the topics included, in the assessment of air quality and climate proposed in the Scoping Report, and the Scottish Ministers therefore agree that air quality and climate is scoped in for further assessment within the EIA Report for the construction phase and scoped out for the operational phase.



## **5.4 Terrestrial Biodiversity**

- 5.4.1 The Applicant considers terrestrial biodiversity (excluding terrestrial ornithology which is considered in chapter 5.6 of this Scoping Opinion) in Section 8 of the Scoping Report. On the basis of the impacts identified at Table 8-3 the Applicant proposes to scope in all impact pathways identified during the construction phase of the Proposed Works for further assessment in the EIA Report. The Applicant proposes to scope out the impact pathways identified during the operational and maintenance phase of the Proposed Works with the exception of environmental effects resulting from disturbance and displacement of protected species, and surface runoff which are proposed to be scoped in for further assessment in the EIA Report.
- 5.4.2 The Scottish Ministers agree with representation from Argyll & Bute Council, including the provisions included in the Scoping Report and advise the Applicant must also implement a programme for any proposed vegetation planting to include species, location, timings and methods of implementation, and on-going monitoring and maintenance. This will ensure all new vegetation is protected until such a time as it becomes established and ensure biodiversity enhancement.
- 5.4.3 The Scottish Ministers agree with the Applicant's proposed suite of mitigation measures at Section 8.7 of the Scoping Report and further refer the Applicant to Argyll and Bute Council's recommendations as regards the proposed mitigation measures and identifying opportunities for ecological enhancement. The Scottish Ministers advise that these recommendations must be fully considered by the Applicant when compiling its EIA Report. The Scottish Ministers expect that details of any Species Protection Plan ("SPP") and an oCEMP, which should include but not be limited to a plan to prevent the spread of invasive non-native species, be submitted by the Applicant alongside its EIA Report.
- 5.4.4 The Scottish Ministers are satisfied with the Applicant's approach to assessment in respect of impacts related to terrestrial biodiversity and agree with those impact pathways that will be scoped in and scoped out for each phase of the Proposed Works.

## **5.5 Marine Biodiversity (including underwater noise)**

- 5.5.1 The Applicant considers the potential impacts of the Proposed Works on marine biodiversity (including underwater noise) in Section 9 of the

Scoping Report, which includes consideration of impacts on benthic ecology, fish and shellfish ecology and marine mammal ecology. Table 9-6 details the identified impact pathways in respect of each receptor. As regards the construction phase of the Proposed Works, the Applicant concludes that each receptor will be scoped in for further assessment, with the exception of environmental effects related to accidental pollution during construction, and changes in prey availability for marine mammals. The Applicant proposes to scope out impact pathways occurring during the operation and maintenance phase, with the exception of the increased risk of invasive non-native species and colonisation of hard structures for benthic, fish and shellfish receptors, and collision risk impacts resulting from increased vessel activity for marine mammals.

- 5.5.2 The Scottish Ministers agree with representation from Argyll & Bute Council and advise that the following guidance be included within the proposed assessment methodology for underwater noise: The Protection of Marine European Protected Species from Injury and Disturbance - Guidance for Scottish Inshore Waters (July 2020). Additionally, the Applicant should include demonstration of how any generated underwater noise will be minimal, and mitigated against where necessary, during the site construction.
- 5.5.3 The Scottish Ministers note that all cetaceans are European Protected Species (“EPS”), and an EPS licence might be required for the Proposed Works. The Applicant should engage with the Marine Directorate - Licensing Operations Team (“MD-LOT”) on the requirements of this. Additionally, if the Proposed Works take place during summer months, they have the potential to affect basking sharks, and a basking shark licence might be required. The Applicant is encouraged to engage with MD-LOT.
- 5.5.4 The Scottish Ministers direct the Applicant to representation from NatureScot regarding the inclusion of several additional cetacean species which have been recorded within disturbance distance of the Proposed Works. Impacts on these species must be considered within the EIA Report. The Scottish Ministers acknowledge the proposal to undertake noise modelling as part of the EIA Report and advise that this must include all noise sources with the potential to impact any cetacean species identified in the NatureScot response. Further, the Scottish Ministers accept the impacts proposed to be scoped out however, agree with NatureScot and advise that operational vessel noise is scoped in for further assessment during the operational phase due to the intention for a larger ferry to be used. The Scottish Ministers direct the Applicant to

the NatureScot advice regarding mitigation under Section 2.2 and advise that where the mitigation is relevant it must be applied for all cetacean species. The Applicant should include consideration of cumulative impacts on the protected features of the Inner Hebrides and Minches Special Area of Protection.

- 5.5.5 In its representation, NatureScot advise that while they have no records of Priority Marine Feature (“PMF”) habitats within the footprint of the Proposed Works, it supports the proposed intertidal and subtidal surveys which will help provide detailed information on the distribution of PMFs at the site. NatureScot advise that further information regarding the construction methods and proposed dredging activities/deposit locations, including the quantify and fate of any sediment released into the water column, will be required to fully assess the possible impacts of the Proposed Works on any PMFs in the vicinity of the works. The Scottish Ministers agree with the NatureScot representation and advise where relevant, this must be included in the EIA Report
- 5.5.6 The Scottish Ministers agree with the approach to the assessment of the impacts of the Proposed Works on marine biodiversity and the receptors scoped in except where highlighted within the above text.

## **5.6 Ornithology**

- 5.6.1 The Applicant considers the potential impacts of the Proposed Works on ornithology in Section 10 of the Scoping Report, which includes consideration of impacts on nearby designated sites and their qualifying features. Table 10-3 details the identified impact pathways in respect of each receptor. As regards the construction phase of the Proposed Works, the Applicant concludes that potential effects on the qualifying features of the Kintyre Goose Roosts Special Protection Area (“SPA”), the Sound of Gigha SPA and Rhunahaorine Point Site of Special Scientific Interest (“SSSI”) will be scoped in for further assessment, with the exception of the potential effects on the little tern qualifying feature of the Rhunahaorine Point SSSI. The Applicant proposes to scope out impact pathways occurring during the operation and maintenance phase, due to the impacts being similar to the baseline impacts of the current operations.
- 5.6.2 The Proposed Works are located adjacent to Rhunahaorine Site of Special Scientific Interest and within 2.5km of Kintyre Goose Roosts SPA both designated for non-breeding Greenland white-fronted geese. These geese populations are known to feed in the fields around the Proposed Works and are at risk of disturbance and displacement should any works

take place between the end of September and March. In its representation, NatureScot advised there may be a likely significant effect on the SPA from these works.

- 5.6.3 The Scottish Ministers note that commissioned surveys were conducted from April to August and, in agreement with representation from NatureScot, advise that if construction or maintenance activities are proposed outside of mid-April to August then additional site characterisation surveys will be required. Additionally, it is advised that full winter bird surveys are carried out. These should take place at least monthly over the wintering period and cover different times of day and tidal states. The Scottish Ministers advise that the additional surveys must be undertaken in line with the requirements detailed in NatureScot's representation. Further, the Scottish Ministers encourage the Applicant to engage with NatureScot to obtain feeding data from the Kintyre Local Goose Management Scheme and to verify the appropriateness of the bird survey methodology, including data presentation, prior to any surveys commencing to ensure the data is suitable for future assessment.
- 5.6.4 The Scottish Ministers direct the Applicant to the NatureScot advice regarding the construction phase and advise that further information is required on the proposed timings of the construction and maintenance of the site in order to assess the impact on the protected features of the Sound of Gigha SPA. Argyll and Bute Council advised in its representation that construction works should be avoided within the overwintering, non-breeding season of bird qualifying features of nearby designated sites.
- 5.6.5 The Applicant must advise NatureScot of the chosen deposit method for the dredged material to ensure appropriate advice can be provided. The Scottish Ministers direct the Applicant to the NatureScot representation regarding the disposal of dredged spoil and advise that no deposit of dredge material can take place within the Sound of Gigha SPA. Additionally, if dredged material is to be deposited at sea, approximate timings and location of any sea deposit as well as additional vessel numbers are required to be included to assess the impact on the protected bird species of the SPA. All impacts of dredging and maintenance should be scoped in for further assessment in the EIA report.
- 5.6.6 The Scottish Ministers agree with the scoping out of Little tern due to the absence of this species within the area and no advice to the contrary from NatureScot.

- 5.6.7 The Scottish Ministers agree with the areas of ornithology scoped in by the Applicant for further assessment within the EIA Report and further advise that the additional surveys required by NatureScot are also included in the EIA Report. NatureScot also advised that cumulative impacts should be assessed and also that the data from the intertidal and subtidal surveys should be used to assess the change to supporting habitats for the protected features of the SPA.
- 5.6.8 The Scottish Ministers agree with the approach to the assessment of the impacts of the Proposed Works on ornithology and the receptors scoped in except where highlighted within the above text.

## **5.7 Seascape, Landscape and Visual Impact**

- 5.7.1 The Applicant considers seascape, landscape and visual impact in Section 11 of the Scoping Report. In Table 11-2 the Applicant has identified the potential impacts of temporary loss or change to the seascape character from the construction works and the visual impacts from a range of viewpoints and proposes to scope the receptor in for further assessment in the EIA Report during both the construction and operational phases.
- 5.7.2 In its representation Argyll and Bute Council advised the Proposed Works must be of a design and scale that respects the character and appearance of the surrounding area and consistent with the Argyll and Bute Landscape Capacity Assessments.
- 5.7.3 Argyll and Bute Council also noted that the Proposed Works lie within the South Kintyre Settlement Area (Ardminish – Gigha) under the Local Development Plan 2.
- 5.7.4 The Scottish Ministers agree with the approach to the assessment of seascape, landscape and visual impact proposed in the Scoping Report and further advise that the guidance and principles detailed in the Argyll and Bute Council representation are followed within the EIA Report. The Scottish Ministers agree that seascape, landscape and visual impact is scoped in for further assessment within the EIA Report for both construction and operational phases

## **5.8 Cultural Heritage**

- 5.8.1 The Applicant considers cultural heritage in Section 12 of the Scoping Report. In Table 12-2 the Applicant has not identified any potential impacts on cultural heritage assets within the vicinity of the Proposed Works and proposes to scope the receptor out of further assessment in the EIA Report.
- 5.8.2 In its representation HES stated that there will be no significant effects on any historic environment interests by the Proposed Works.
- 5.8.3 The Scottish Ministers agree with the approach to the assessment of cultural heritage proposed in the Scoping Report. The Scottish Ministers agree that cultural heritage can be scoped out from further assessment.

## **5.9 Traffic and Transport**

- 5.9.1 The Applicant considers traffic and transport in Section 13 of the Scoping Report. In Table 13-1 the Applicant has identified traffic generation as the sole receptor and proposed to scope it in for the construction phase and out for the operational phase of the Proposed Works. In its representation Transport Scotland Ferries Team confirmed that the Proposed Works are consistent with the ferries policy in the Scottish Ferries Plan published in 2013.
- 5.9.2 In its representation Argyll and Bute Council state a Traffic Management Plan and detailed Method Statement must be provided along with a report identifying the areas of roads vulnerable to additional construction traffic, and the condition of these roads, should these require to be utilised for the delivery of materials from the mainland slipway at Tayinloan
- 5.9.1 The Scottish Ministers do not agree with the approach to the assessment of traffic and transport proposed in the Scoping Report based on the Argyll and Bute Council representation detailed above. The Scottish Ministers therefore scope traffic and transport in for further assessment within the EIA Report.

## **5.10 Noise and Vibration**

- 5.10.1 The Applicant considers the potential impacts of noise and vibration in Section 14 of the Scoping Report, which includes consideration of impacts on nearby designated sites and their qualifying features. Table 14-2 details the identified impact pathways in respect of each receptor. As regards the construction phase of the Proposed Works, the Applicant concludes that potential effects on marine mammals and fish will be scoped in for further assessment, along with traffic noise, during the construction phase. The Applicant proposes to scope out impact pathways occurring during the operational and maintenance phase, due to the impacts being similar to the baseline impacts of the current operations.
- 5.10.2 The Scottish Ministers have provided advice on underwater noise pertaining to marine biodiversity within the marine biodiversity section, 5.5 of this Scoping Opinion.
- 5.10.3 The Scottish Ministers agree with the approach to the assessment of noise and vibration proposed in the Scoping Report and that it should be scoped in for further assessment within the EIA Report for both the construction phase and the operational phase.

## **5.11 Population and Human Health**

- 5.11.1 The Applicant considers the potential impacts of the Proposed Works on population and human health in Section 15 of the Scoping Report, which includes consideration of impacts on both Gigha residents and leisure and recreational visitors. Table 15-3 details the identified impact pathways in respect of each receptor. The Applicant has included the receptors of employment, education/skills/qualifications, economic output, tourism, community facilities and services, commuting, housing and crime and safety. The Applicant proposes to scope out human health, with the exception of noise and vibration impacts to the local primary school during the construction phase and scopes all human health receptors out for the operational phase. Social access to open leisure space and housing have been scoped in during the construction phase. Economic impacts have been scoped in for both construction and operational phases, due to the potential impacts being a positive to the local economy.
- 5.11.2 The Scottish Ministers advise the baseline data used for employment came from the 2011 census data which is now out of date. Up to date information sources should be used along with the inclusion of local

community groups, commercial fisheries and recreational users to inform the assessment in the EIA Report.

- 5.11.3 The Scottish Ministers agree with the approach to the assessment of population and human health proposed by the Applicant in the Scoping Report and the receptors scoped both in and out for further assessment within the EIA Report.

## **5.12 Socioeconomics**

- 5.12.1 The Applicant considers the potential impacts of the Proposed Works on socio-economics in Section 16 of the Scoping Report, which includes consideration of impacts on both Gigha residents and leisure and recreational visitors. Table 16-10 details the identified impact pathways in respect of each receptor. The Applicant has included the receptors of employment, education/skills/qualifications, economic output, tourism, community facilities and services, commuting, housing and crime and safety. The Applicant proposes to scope in education/skills/qualifications, economic output, tourism, commuting and housing for both construction and operational phases of the Proposed Works. Employment is scoped in for construction only and community facilities and services scoped in for the operational phase only.
- 5.12.2 In its advice, MAU noted the Applicant has used 2011 census data regarding employment, which is now out of date, and therefore recommends up to date data is used in the final Socio-economic Impact Assessment ("SEIA"). MAU also advise that the Applicant considers the social impacts of the Proposed Works and encourages the Applicant to undertake engagement and consultation with local communities. With regards to economic impacts the MAU advise consideration of a number of additional issues including displacement and substitution. The Scottish Ministers direct the Applicant to the MAU advice to ensure all aspects of socio-economics are covered and advise detailing a list of data sources used to assess socio-economic impacts.
- 5.12.3 The Scottish Ministers agree with the receptors of socio-economics scoped in by the Applicant for further assessment in the EIA Report. The Scottish Ministers also advise that consideration must be given to the social impacts of the Proposed Works in proportion with the scale and size of the Proposed Works and using the most recent data.



## 5.13 Navigation

- 5.13.1 The Applicant considers the potential impacts on navigation in Section 17 of the Scoping Report. In Table 17-2 the Applicant has identified the potential for navigational impacts from a variety of sources with all potential effects and receptors scoped in for both phases of the project except a payload related incident, an accident to the general public and fire/explosion which the applicant proposes to scope in for the construction phase only.
- 5.13.2 The MCA advise that more information is required within the EIA Report on the proposed methodology of construction material transportation to the site in order for it to assess the potential impacts of increased vessel movements, particularly in the summer when vessel traffic is heavier.
- 5.13.3 MCA note the Applicant's commitment to carry out a Navigation Risk Assessment ("NRA"). The Scottish Ministers agree with representation from the MCA and advise the NRA must assess the likely impacts to fishing, recreational and commercial traffic within the study area and the likely associated risks to shipping and navigation. The MCA welcomes the inclusion of vessel data for the study area and recommends that the data should capture seasonal variations. Additionally, the Scottish Ministers advise that the NRA must be carried out in accordance with the Port Marine Safety Code and its Guide to Good Practice. The PMSC should also be used to develop a robust Safety Management System for the Proposed Works to ensure the ongoing safe operation of the marine interface of the works.
- 5.13.4 With regards to the HAZID workshop proposed by the Applicant to ensure local stakeholder input, the MCA has advised the inclusion of local diving groups as well as other relevant stakeholders. In its representation the NLB has also advised a consultation exercise with local stakeholders to inform the HAZID exercise.
- 5.13.5 Argyll and Bute Council agree with the Applicants proposed assessment of navigation for the EIA Report contained in the Scoping Report.
- 5.13.6 The Scottish Ministers agree with the identified receptors for navigation- and those scoped in and out of the EIA Report by the Applicant. The Scottish Ministers direct the Applicant to the requirement for further information outlined above by the MCA and advise that all concerns must be fully addressed within the EIA Report.

## **5.14 Waste**

- 5.14.1 The Applicant considers the potential impacts of waste in Section 18 of the Scoping Report. In Table 18-3 the Applicant has not identified any potential impacts of waste from the Proposed Works and proposes to scope the receptor out of further assessment in the EIA Report.
- 5.14.2 The Applicant has scoped dredge material for both construction and operational phases out for further assessment. In its representation NatureScot has advised that future maintenance dredging be scoped in for further assessment in the EIA Report. This should include the anticipated frequency and footprint of maintenance dredging.
- 5.14.3 Argyll and Bute Council agree with the Applicant's proposed assessment of waste for the EIA Report contained in the Scoping Report.
- 5.14.4 The Scottish Ministers agree with the NatureScot representation that waste must be scoped in for further assessment in the EIA Report, including dredge material found to be unsuitable for proposed re-use and requiring disposal at sea or other licensed site.

## **5.15 Material Assets**

- 5.15.1 The Applicant considers the potential impacts of material assets in Section 19 of the Scoping Report, which includes consideration of impacts on nearby buildings and infrastructure and natural assets including forestry and water resources. Table 19-2 details the identified impact pathways of impacts on utilities infrastructure, impacts on the ferry service between Gigha and Tayinloan and impacts on tourism and recreation. The Applicant proposes to scope out all impact pathways occurring during both construction and operational phases due to the temporary nature of any impacts.
- 5.15.2 The Scottish Ministers agree with the approach to the assessment of material assets proposed in the Scoping Report. The Scottish Ministers agree that the temporary impacts on the other receptors mean they can be scoped out of further assessment for both construction and operational phases.

## **5.16 Coastal Processes**

- 5.16.1 The Applicant considers the potential impacts of the Proposed Works on coastal processes in Section 20 of the Scoping Report, which includes consideration of impacts of bathymetry changes, waves, tidal elevations, seabed, suspended sediments and sediment transport. Table 20-5 details the identified impact pathways in respect of each receptor. As regards the construction phase of the Proposed Works, the Applicant proposes to scope in increased suspended sediments through dredging activities. Inshore wave climate and tidal current patterns are proposed to be scoped in for both construction and operational phases and coastal erosion and morphology scoped in during the operational phase only.
- 5.16.2 In its representation, Argyll and Bute Council agree with the Applicant's proposed assessment and mitigation and had no further comments to make on the topic of coastal processes.
- 5.16.3 The Scottish Ministers agree with the Applicant's approach to the assessment of coastal processes proposed in the Scoping Report. The Scottish Ministers advise that coastal processes be scoped in for further assessment within the EIA Report as per the Scoping Report, for both construction and operational phases.

## **5.17 Flood Risk**

- 5.17.1 The Applicant considers the potential impacts of the Proposed Works on flood risk in Section 21 of the Scoping Report with respect to the impact of flooding on the Proposed Works and of the area surrounding. Table 21-1 details the identified impact pathways in respect of each receptor. The Applicant has scoped in flooding to the Proposed Works from extreme tidal events for both construction and operational phases. The Applicant has proposed to scope out the potential for an increase in flooding to surrounding areas.
- 5.17.2 The Applicant has proposed the creation of a Flood Risk Assessment for the Proposed Works to ensure compliance with local and national planning policy and guidance.
- 5.17.3 In its representation, Argyll & Bute Council advised the Applicant has used the now superseded Argyll & Bute Local Development Plan (LDP) and advise this must be updated to the Local Development Plan 2 (LDP2) Argyll and Bute LDP2 Written Statement Feb 2024 ([argyll-bute.gov.uk](http://argyll-bute.gov.uk)). Policy 55 – Flooding and Policy 56 – Land Erosion will need to be taken into account in the Flood Risk chapter of the EIA Report.

- 5.17.4 The Scottish Ministers agree with the assessment of the flood risk potential to the Proposed Works being scoped in for further assessment within the EIA Report and areas lying adjacent being scoped out. The Scottish Ministers direct the Applicant to the guidance and principles detailed in the Argyll and Bute Council advice and advise that all concerns contained must be fully addressed within the EIA Report.

## **5.18 Water Quality**

- 5.18.1 The Applicant considers the potential impacts of the Proposed Works on water quality in Section 22 of the Scoping Report. Table 22-5 details the identified impact pathways in respect of each receptor. The Applicant has scoped in suspended sediment and dredging, fuel, oil and chemicals, physical alterations and hydromorphology and operational drainage in for both construction and operational phases.
- 5.18.2 In its representation Argyll and Bute Council acknowledged and welcomed the assessment and embedded mitigation and had no further comments to add.
- 5.18.3 The Scottish Ministers agree that water quality is scoped in for further assessment within the EIA Report for both construction and operational phases.

## **5.19 Risk of Major Accidents**

- 5.19.1 The Applicant considers the risk of major accidents in Section 23 of the Scoping Report. Table 23-2 details the identified impact pathways in respect of each receptor. The Applicant has scoped in major collision risk of vessels with the infrastructure for both construction and operational phases of the Proposed Works. Accidents with the public swimming, construction works overboard, major construction pollution events, major coastal flooding events and heavy lifting gear failure are all scoped in for the construction phase and scoped out for the operational phase of the Proposed Works.
- 5.19.2 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Works to major accidents and disasters. The Applicant should make use of appropriate guidance, including the recent Institute of Environmental

Management and Assessment (“IEMA”) ‘Major Accidents and Disasters in EIA: A Primer’, to better understand the likelihood of an occurrence and the Proposed Works susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Works to a potential accident or disaster and also the Proposed Works potential to cause an accident or disaster.

- 5.19.3 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 5.19.4 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.
- 5.19.5 The Scottish Ministers agree with the approach to the assessment of risk of major accidents proposed in the Scoping Report.

## **6. Application and EIA Report**

### **6.1 General**

- 6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under The Conservation (Natural Habitats, &c.) Regulations 1994. This assessment must be coordinated with the EIA in accordance with the 2017 MW Regulation.
- 6.1.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

## 7. Multi-Stage Regulatory Approval

### 7.1 Background

- 7.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principal decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 MW Regulations is as follows: “application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun”.
- 7.1.3 A marine licence, if granted, by the Scottish Ministers for the Proposed Works, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage approval the Applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

Gemma Girling

27 March 2025

Authorised by the Scottish Ministers to sign in that behalf.



**Appendix I: Consultation Responses & Advice**

Argyll and Bute Council

Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



## Development And Economic Growth

Executive Director: Kirsty Flanagan

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### Marine and Coastal Development Unit

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

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Ref: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension -  
Tayinloan – Consultation on Request for Scoping Opinion

19<sup>th</sup> September 2024

Development Management

Kilmory Castle

Lochgilphead

Argyll

PA31 8RT

Dear Mr Bain

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

## **Tayinloan Breakwater Extension Project**

Thank you for consulting me on the above scoping opinion. Please find below comments from the Marine and Coastal Development Policy Officer.

Yours sincerely

Lorraine Holdstock

Marine and Coastal Development Policy Officer

### **Development Proposal**

- The proposed Project is being undertaken at Tayinloan, located on the west coast of the Kintyre Peninsula, on the eastern shore of the Sound of Gigha. The Project is in two parts; the breakwater extension and associated dredging.
- The breakwater is proposed to be extended by 70m. It is not intended to provide any additional berthing facilities. It will be designed to enhance protection to the ferry on approach to the slipway during south westerly gales and to manage the build-up of weed and sediment around the slipway area. There will be no change to the purpose of the breakwater extension.

### **Overall scoping comments**

- The applicant's Environmental Scoping Report is welcomed. The Report's sections relevant to marine and coastal policies are discussed below.
- Any future proposal must conform to all relevant National Planning Framework 4 (NPF4) policies, Local Development Plan 2 policies, National Marine Plan Policies, and in particular those highlighted below.

### **Summary of additional content required**

#### **Chapter 9. Marine Biodiversity**

- In terms of the underwater noise assessment, section 9.6.2, I would advise that the following guidance be included within the proposed assessment methodology:  
The Protection of Marine European Protected Species from Injury and Disturbance - Guidance for Scottish Inshore Waters (July 2020) document on the following web link:
  - <https://www.gov.scot/publications/marine-european-protected-species-protection-from-injury-and-disturbance/>.
- If any piling and core drilling is required, the assessment would need to consider whether a European Protected Species (EPS) licence under the Conservation (Natural Habitats, &c.) Regulations 1994 for the potential injury and disturbance to marine mammals, including Harbour porpoise (*Phocoena phocoena*) would be required before works commence.
- It will be important for the Applicant to demonstrate that any generated underwater noise will be minimal and mitigated against during site construction.

## **Chapter 21. Flood Risk**

- Under Section 21.6 – EIAR Assessment Methodology, Section 21.8 second bullet point *Argyll & Bute Local Development Plan (LDP) Policy SG LDP SERV 7 ‘Flooding and Land Erosion’* needs to be updated to reflect the change in flooding and land erosion policies as outlined in the Local Development Plan 2 (LDP2) [Argyll and Bute LDP2 Written Statement Feb 2024 \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk). Policy 55 – Flooding and Policy 56 – Land Erosion will need to be taken into account in the Flood Risk EIA.

## **National Planning Framework 4 (NPF4) overarching policies**

### **Policy 1: Tackling the climate and nature crises**

- The development will need to demonstrate reduced emissions as far as practically possible and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area. In this respect, the applicant must aim to conserve and recycle assets where possible.

### **Policy 3: Biodiversity**

- a) The development proposal will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- d) Any potential adverse impacts, including cumulative impacts, of the development proposal on biodiversity, nature networks and the natural environment will be

minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

#### **Policy 4: Natural places**

- b) The development proposal that is likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
  
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
  
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

#### **Policy 10: Coastal Development**

- a) Development proposals in developed coastal areas will only be supported where the proposal:
  - i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems;
  - ii. is anticipated to be supportable in the long-term, taking into account projected climate change.
  
- b) Development proposals in undeveloped coastal areas will only be supported where they:
  - i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
  - ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and

- iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
- iv. are designed to have a very short lifespan.

c) Development proposals for coastal defence measures will be supported if:

- i. **they are consistent with relevant coastal or marine plans;**
- ii. **nature-based solutions are utilised and allow for managed future coastal change wherever practical;** and
- iii. **any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets.**

d) Where a design statement is submitted with any planning application that may impact on the coast it will take into account, as appropriate, long-term coastal vulnerability and resilience.

#### **Policy 12: Zero waste**

- a) The development proposal will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) The development proposal will be supported where they:
  - i. reuse existing buildings and infrastructure;
  - ii. minimise demolition and salvage materials for reuse;
  - iii. **minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;**
  - iv. **use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;**
  - v. **use materials that are suitable for reuse with minimal reprocessing.**
- c) The development proposal that is likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
  - i. provision to maximise waste reduction and waste separation at source, and
  - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

#### **Policy 29: Rural development**

- a) The development proposal that contributes to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
  - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;

- ii. diversification of existing businesses;
  - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
  - iv. **essential community services;**
  - v. **essential infrastructure;**
  - vi. reuse of a redundant or unused building;
  - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
  - ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
  - x. **improvement or restoration of the natural environment.**
- b) The development proposal in a rural area should be suitably scaled, sited and designed to be in keeping with the character of the area. The applicant should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) The development proposal is in a remote rural area, where new development can often help to sustain fragile communities, will be supported where the proposal:
- i. **will support local employment;**
  - ii. **supports and sustains existing communities**, for example through provision of digital infrastructure; and
  - iii. **is suitable in terms of location, access, siting, design and environmental impact.**

### **Local Development Plan 2 (LDP2)**

- The proposed development must conform to all relevant and general proposed policies of the LDP2 Written Statement Argyll and Bute LDP2 Written Statement Feb 2024 ([argyll-bute.gov.uk](http://argyll-bute.gov.uk)) In particular:
  1. Policy 02 – Outwith Settlement Areas;
  2. Policy 04 – Sustainable Development;
  3. Policy 05 – Design and Placemaking;
  4. Policy 14 – Bad Neighbour Development;
  5. Policy 22 – Economic Development;
  6. **Policy 28 – Supporting Sustainable Aquatic and Coastal Development;**
  7. **Policy 56 – Land Erosion;**
  8. **Policy 59 – Water Quality and the Environment;**
  9. **Policy 63 – Waste Related Development and Waste Management;**
  10. **Policy 71 – Development Impact on Local Landscape Areas (LLA);**
  11. Policy 73 – Development Impact on Habitats, Species and Biodiversity;
  12. **Policy 74 – Development Impact on sites of international importance.**



## **Marine Planning Policy**

- The proposed development extends into the marine environment and therefore the Council as a public body is required to take authorisation decisions in accordance with the National Marine Plan (NMP), unless relevant considerations indicate otherwise.
- The proposal must be consistent with General Policies of the NMP, that include:
  - GEN 1 General planning principle,
  - GEN 2 Economic benefit,
  - GEN 3 Social benefit,
  - GEN 5 Climate change,
  - GEN 7 Landscape/seascape,
  - GEN 8 Coastal process and flooding,
  - GEN 9 Natural heritage,
  - GEN 10 Invasive non-native species,
  - GEN 11 Marine litter,
  - GEN 12 Water quality and resource,
  - GEN 13 Noise,
  - GEN 14 Air quality,
  - GEN 21 Cumulative impacts.

## **Scoping Report comments**

### **Chapter 6. Soils, Geology and Contamination**

- In terms of the impacts discussed in Table 6-2, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed. No comments to add at this stage.

### **Chapter 9. Marine Biodiversity**

- In terms of the impacts discussed in Table 9-6, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed.
- In terms of the underwater noise assessment, section 9.6.2, I would advise that the following guidance be included within the proposed assessment methodology:

The Protection of Marine European Protected Species from Injury and Disturbance - Guidance for Scottish Inshore Waters (July 2020) document on the following web link:

- <https://www.gov.scot/publications/marine-european-protected-species-protection-from-injury-and-disturbance/>.
- If any piling and core drilling is required, the assessment would need to consider whether a European Protected Species (EPS) licence under the Conservation (Natural Habitats, &c.) Regulations 1994 for the potential injury and disturbance to marine mammals, including Harbour porpoise (*Phocoena phocoena*) would be required before works commence.
- It will be important for the Applicant to demonstrate that any generated underwater noise will be minimal and mitigated against during site construction.

### **Chapter 11. Seascape, Landscape and Visual Impact**

- In terms of the impacts discussed in Table 11-2, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed.
- The proposal is situated within the South Kintyre Countryside Area, and Local Landscape Area 'West Kintyre' under the Local Development Plan 2.
- The proposed Seascape, Landscape and Visual Impact Assessment (SLVIA) is welcomed.
- The development's design and scale should respect the character and appearance of the surrounding area, and be consistent with LDP2 Policy 71 – Development Impact on Local Landscape Areas (LLA) and the Argyll and Bute Landscape Capacity Assessments.

### **Chapter 17. Navigation**

- In terms of the impacts discussed in Table 17-2, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed. No comments to add at this stage.

### **Chapter 18. Waste**

- In terms of the impacts discussed in Table 18-3, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed. No comments to add at this stage.

## **Chapter 20. Coastal Processes**

- In terms of the impacts discussed in Table 20-5, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed. No comments to add at this stage.

## **Chapter 21. Flood Risk**

- In terms of the impacts discussed in Table 21-1, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed.
- Under Section 21.6 – EIAR Assessment Methodology, Section 21.8 second bullet point *Argyll & Bute Local Development Plan (LDP) Policy SG LDP SERV 7 ‘Flooding and Land Erosion’* needs to be updated to reflect the change in flooding and land erosion policies as outlined in the Local Development Plan 2 (LDP2) Argyll and Bute LDP2 Written Statement Feb 2024 (argyll-bute.gov.uk). Policy 55 – Flooding and Policy 56 – Land Erosion will need to be taken into account in the Flood Risk EIA.

## **Chapter 22. Water Quality**

- In terms of the impacts discussed in Table 22-5, the proposed assessment, including the embedded mitigation, and EIA methodology are welcomed. No comments to add at this stage.

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## **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)**

### **CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

Please find my comments below regarding the EIA Scoping Report for the above proposed project.

#### **1.0 Terrestrial Biodiversity**

The scoping report has identified a range of potential impacts on Terrestrial Biodiversity which may occur during the construction, and operation and maintenance of the Project and appropriate mitigation measures needed to avoid or minimise these effects.

- Temporary and permanent deterioration, loss and/or fragmentation of habitat.
- Temporary and permanent deterioration, loss and/or fragmentation of qualifying features associated with designated sites.
- Spread of Invasive Non-Native Species (INNS).
- Disturbance and displacement of protected species or loss of their foraging habitats.
- Surface water run-off carrying suspended sediment or contaminants into local waterbodies.

**Comment:** I welcome the provision of:

- A range of protected species surveys conducted by a suitably qualified ecologist.
- Development of a Species Protection Plan.
- An outline Construction Environment Management Plan (CEMP) to prevent spread and the removal of any INNS.
- The appointment of an Ecological Clerk of Works (ECoW).
- A Toolbox Talks delivered by the ECoW to the construction team.
- Appropriate mitigation measures and buffer zones where necessary.
- Updating of a Pollution Incident Response Plan where necessary.
- Identify opportunities for ecological enhancement as per NPF4 Policy 3b, to include details of ongoing maintenance and monitoring of proposed enhancements.

*“Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management.”*

**Recommendation:** I would advise they implement a programme for any proposed vegetation planting to include species, location, timings and methods of implementation, and on-going monitoring and maintenance. This will ensure all new vegetation is protected until such a time it becomes established and ensure biodiversity enhancement.

## **2.0 Ornithology**

The scoping report has identified a range of potential impacts on Ornithology interests which may occur during the construction, and operation and maintenance of the Project and appropriate mitigation measures needed to avoid or minimise these effects.

- Potential effects on the Kintyre Goose Roosts SPA through disturbance/displacement of qualifying interests.
- Potential effects on the Kintyre Goose Roosts Ramsar through disturbance/displacement of qualifying interests.

- Potential effects on the Sound of Gigha SPA through disturbance/displacement or collision risk to qualifying interests.
- Potential effects on the Rhunahaorine Point SSSI through disturbance/displacement of qualifying interests.
- Potential effects on protected species through disturbance/displacement and collision risk.

**Comment:** I welcome the provision of:

- An HRA Screening report to identify potential Likely Significant Effects (LSE) of the Project on the SPA.
- Pre-construction bird surveys for breeding Schedule 1 /Annex 1 species, conducted by a suitably qualified ornithologist.
- Avoid works during the non-breeding period to prevent disturbance of sensitive wintering bird species, some of which are qualifying features of nearby designated sites.
- Pre-construction check for nesting birds during the breeding season (March to August inclusive) to include a watching brief.
- Development of a Bird Protection Plan (BPP).
- Appointment of an Ecological Clerk of Works (ECoW).
- A Toolbox Talks delivered by the ECoW to the construction team.
- Appropriate mitigation measures and buffer zones where necessary.

---

**From:** Ross, James <James.Ross@argyll-bute.gov.uk>

**Sent:** 24 September 2024 16:04

**To:** Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>

**Cc:** Bowker, Bryn <Bryn.Bowker@argyll-bute.gov.uk>; Green, Julian <Julian.Green@argyll-bute.gov.uk>

**Subject:** FW: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024 [OFFICIAL] [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

**Classification: NOT PROTECTIVELY MARKED**

Hi Peter,

Are you Ok with applying the following conditions:

1. Traffic Management Plan to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components and labour required during the construction, operation and decommissioning phase.
2. A detailed Method Statement in relation to access and transport of materials, plant and equipment. Method statement to be submitted for approval by Roads & Infrastructure Services prior to any work starting on site.
3. The Tayinloan Ferry Road. New passing places to be provided and existing passing places to be extended where required. Locations and construction details to be agreed with Roads & Infrastructure Services prior to any work starting on site.
4. The applicant to inspect and submit a report which identifies areas of road which will be vulnerable to the proposed traffic loading. The report will include an assessment of any culverts or other structures. The report will include measures to mitigate against any likely damage. Details of the report to be agreed with Roads & Infrastructure Service prior to any work starting on site.
5. A detailed condition survey to be carried out between the A83 and the application site, prior to any work starting on site. The condition survey to be recorded by means of video and photographs. A copy of the video and photographs to be submitted to Roads & Infrastructure Services for approval.
6. Public roads between the A83 and application site to have inspections carried out on a weekly basis to ensure the carriageway remains in a safe condition. Details of inspection to be agreed with Roads & Infrastructure Services prior to any work starting on site.

Regards

James

James Ross  
Traffic & Development Officer MAKI  
Argyll & Bute Council  
Roads & Infrastructure Services  
1A Manse Brae  
Lochgilphead  
Argyll  
PA31 8RD  
Tel. 01546 604655  
e mail. [james.ross@argyll-bute.gov.uk](mailto:james.ross@argyll-bute.gov.uk)

**From:** Watson, Stuart <[Stuart.Watson@argyll-bute.gov.uk](mailto:Stuart.Watson@argyll-bute.gov.uk)>

**Sent:** 12 September 2024 11:28

**To:** Ross, James <[James.Ross@argyll-bute.gov.uk](mailto:James.Ross@argyll-bute.gov.uk)>; Green, Julian <[Julian.Green@argyll-bute.gov.uk](mailto:Julian.Green@argyll-bute.gov.uk)>

**Cc:** Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>; Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Subject:** RE: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024 [OFFICIAL]

Classification: NOT PROTECTIVELY MARKED

Hi James

Agree with all your points. Re point 1, I think we ask for the TMP, RC survey etc. regardless. Julian, might be one to bear in mind and get a video survey carried out before it commences just in case...

Re point 2 – yeah, I think additional passing places is not an unreasonable ask.

Stuart Watson FIHE  
Assistant Network and Standards Manager  
(Traffic & Development)

1a Manse Brae  
Lochgilphead  
PA31 8RD

Tel.: 01546 604 889

Email: [stuart.watson@argyll-bute.gov.uk](mailto:stuart.watson@argyll-bute.gov.uk)

**From:** Ross, James <[James.Ross@argyll-bute.gov.uk](mailto:James.Ross@argyll-bute.gov.uk)>

**Sent:** 11 September 2024 16:38

**To:** Green, Julian <[Julian.Green@argyll-bute.gov.uk](mailto:Julian.Green@argyll-bute.gov.uk)>; Watson, Stuart <[Stuart.Watson@argyll-bute.gov.uk](mailto:Stuart.Watson@argyll-bute.gov.uk)>

**Cc:** Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>; Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Subject:** FW: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024 [OFFICIAL]

Classification: NOT PROTECTIVELY MARKED

**Classification: OFFICIAL**

Julian / Stuart,

Please see below. I would be interested in any comments you may have; my initial thoughts are as follows:

1. Importing materials to site. They say the materials will most likely be taken in by barge. If they bring it in by road it could cause damage to the Tayinloan Ferry Road and cause problems due to insufficient number of passing places. If they don't bring it in by barge then we could ask for a TMP, road condition survey and method statement.
2. Should we ask for additional passing places if they decide to bring in materials by road ?
3. Existing ferry car park to remain clear of any obstructions, materials, site huts or vehicles. If you remember we were asked about parking, and they thought they would set up site on the Gigha camp site. If they do this, I imagine they will need to include that in their application.

Comments to be submitted not later than the 26th of September.

Regards

James

**From:** Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Sent:** 04 September 2024 12:48

**To:** Holdstock, Lorraine <[Lorraine.Holdstock@argyll-bute.gov.uk](mailto:Lorraine.Holdstock@argyll-bute.gov.uk)>; Middleton, Jaqui <[Jaqui.Middleton@argyll-bute.gov.uk](mailto:Jaqui.Middleton@argyll-bute.gov.uk)>; Ross, James <[James.Ross@argyll-bute.gov.uk](mailto:James.Ross@argyll-bute.gov.uk)>; Mccallin, Helen <[Helen.Mccallin@argyll-bute.gov.uk](mailto:Helen.Mccallin@argyll-bute.gov.uk)>

**Cc:** Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>

**Subject:** FW: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024 [OFFICIAL]

**Classification: OFFICIAL**

Dear All,



The Council as Planning Authority has been consulted by the Scottish Government's Marine Directorate and invited to provide comment on the proposed scope of the Environmental Impact Assessment to be prepared in relation to the proposed extension of the breakwater at Tayinloan ferry slip. The EIA is intended to support a future Marine Licence application (separate planning permission may also be required for any terrestrial elements). The Scoping Document sets out the matters that are intended to be assessed in further detail and how this is intended to be undertaken.

I'd be grateful if you could review the relevant sections of the Scoping Document and advise whether there are any additional matters that you would expect to be covered by the EIA.

I'll collate a response to the Scoping Consultation and would request that any comments are submitted to me for inclusion no later than 26<sup>th</sup> September 2024. If you are requesting additional content please include a summary justification to include within the response.

Thanks,

**Peter Bain**

Development Manager,  
Development & Economic Growth,  
Argyll and Bute Council

01546 404204

[peter.bain@argyll-bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

[www.abplace2b.scot](http://www.abplace2b.scot)

Further detail on [Planning Service Status](#) is available on the Council website.

British Sign Language (BSL) users can contact me direct by using [contactSCOTLAND-BSL](#)



**From:** centralvalidationteam <[centralvalidationteam@argyll-bute.gov.uk](mailto:centralvalidationteam@argyll-bute.gov.uk)>

**Sent:** 04 September 2024 12:09

**To:** Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Subject:** FW: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024 [OFFICIAL]

**Classification: OFFICIAL**

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Gigha Community Council

Isle of Gigha Transport Users Group

Isle of Gigha Community Council

Ardminish

Isle of Gigha

Argyll

PA41 7AA

14 September 2024

Elsa Simoes

Infrastructure Design Manager

Argyll and Bute Council

Kilmory,

Lochgilphead

Argyll

PA31 8RT

([elsa.simoes@argyll-bute.gov.uk](mailto:elsa.simoes@argyll-bute.gov.uk))

Dear Ms Simoes,

***SCOP-0053 Gigha Breakwater and Berthing Facilities Project and***

***SCOP-0055 Breakwater Extension Tayinloan***

The Community of Gigha welcome and appreciate the efforts to ensure that the islands physical connectivity and lifeline service is maintained.

After reflecting on the recent socio-economic baselining consultation conducted by RPS on behalf of Argyll and Bute Council (ABC), the Isle of Gigha Transport Users Group (IoGTUG) committed to contacting ABC to seek a better understanding of the Programme Plan, timeline, and plans for community engagement and consultation with the affected communities of Gigha and Tayinloan. Rather than provide a line by line commentary on concerns relative to the limitations of the scopes we seek to set out the queries and their implications below.

The programme appears to be gathering momentum, and the community would appreciate reassurance from Argyll and Bute Council that all parties' interests, particularly those of the communities of Gigha and Tayinloan, are represented and fully considered in the scoping of the programme. It is crucial that the analysis is sufficiently scoped and transparent to enable that consideration.

There have been significant changes in the Island (and Kintyre) economy since the initial feasibility works were undertaken. While the location of overnight berthing presents CMAL with ongoing practical issues that must be factored into consideration, the impact on Gigha's economy and prospects for generating economic activity must also be fully considered. This includes assessing the consequences of development in creating constraints on future development. Currently, we have visibility into the scope of work commissioned by ABC for the socio-economic impact, but it appears to be specific to development projects pre-identified at Ardminish Bay and Tayinloan Breakwater.

We seek assurance that a full cost-benefit analysis and data collection and analysis for both the South Pier and Ardminish Bay (and Tayinloan) are planned. This should lend itself to a full site suitability analysis, including prospects for route resilience in terms of weather, fuelling, and maintenance considerations. For example, in detrimental easterly conditions, the boat has had to overnight at Tayinloan or Kennacraig, which appears to introduce an increased risk of the vessel being off the run for longer. Understanding the prognosis for resilience is an important criterion for the community.

The design of the SVRP vessels is said to be uniform to ensure interchangeability between ports and increase network resilience. It would be helpful to understand the arrangements for refuelling during vessel repositioning and the level of commitment to maintaining service.

In terms of economic impact and long-term sustainability, it would be helpful to understand the full scope of the infrastructure development planned and the implications and opportunities this provides for Gigha and Tayinloan. Currently, there are visuals of potential breakwater extensions, but these do not fully describe the extent of shoreside works required to support changing consumer behaviours and the transition to net zero. Given the increasing reliance of the local economy on tourism, it is important that this development does not limit the capacity for future growth.

We understand that the capacity of the new vessel changes from 10 PCU and 200 passengers to 24 PCU and 150 passengers or 16 PCU and 250 passengers. There has been ongoing conflict regarding the impact on physical infrastructure on the island with the increase in motorhome traffic and its inherent impact on the quality of the tourism experience. Discussions are ongoing on the island about how best to mitigate this. An approach will be made to CalMac to limit motorhome transits to booking only (with evidence of a booking at the local campsite or a resident). This is a small example of one of the actions we need to advance to manage the island's tourism product proactively. Modelling future behaviour is needed to ensure that facilities are developed on the island to provide a quality tourism experience. However, this needs to be matched by parking capacity and toilet facilities at each slipway to facilitate tourism, domestic, and commercial use.

Ardminish Bay is a central asset to Gigha's tourism product. Given its natural attributes and proximity to food outlets, shops, a hotel, and a campsite, it is crucial to maintain the capacity for expanding marine leisure activities.

To summarise, we seek to understand the plans for:

- **Effective Community Engagement and Empowerment:**
  - Early Engagement
  - Transparency
  - Inclusivity
  - Feedback
  - Partnership Working
- **Holistic Economic Impact Assessment:**
  - Informed by a full analysis of contrasting site options
- **Timing of a Robust Island Impact Assessment:**
  - In line with the Islands (Scotland) Act

We attach, for your information and reference, communications submitted to Marine Licensing regarding these proposed developments.

Your confirmation of receipt of this email will be appreciated.

Yours faithfully

**Isle of Gigha Transport Users Group / Isle of Gigha Community Council**

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Maritime and Coastguard Agency



Maritime &  
Coastguard  
Agency

Helen Duncan  
**Maritime and Coastguard Agency**

Bay 2/24  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
[www.gov.uk/mca](http://www.gov.uk/mca)

Your Ref: SCOP-0055

4 October 2024

Via email:

[MD.MarineLicensing@gov  
.scot](mailto:MD.MarineLicensing@gov.scot)

Dear Marine Directorate

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)  
CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA  
REGULATIONS**

**Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan –  
Consultation on Request for Scoping Opinion**

Thank you for your email dated 4<sup>th</sup> September 2024 inviting comments on the Scoping Report for the proposed works to construct a breakwater extension at Tayinloan by Argyll and Bute Council. The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the Maritime and Coastguard Agency (MCA) would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations.

We note the proposal will involve an extension to the breakwater (approx. 70m) to enhance protection to the ferry on approach to the slipway. The works will include (but are not limited to):



- 1) A breakwater extension with a rock core overlain with primary and secondary armour and topped with a concrete crest wall;
- 2) Dredging works within the Indicative Working Area to accommodate the larger draft of hybrid/electric ferry which has an increased depth of about 0.62m compared to the existing ferry. This may include rock breaking; and
- 3) Dredged material will be reused where possible, for beach renourishment or as fill in the proposed berthing structure. Any rock material will be stockpiled for use in the core on the breakwater extension.

The Scoping report states that it is not yet known if project materials and plant will be brought in by sea or land (as access would be across private lands). It would therefore be helpful for the applicant to provide more detail on the project methodology when the information is known. This information will be pertinent to



the assessment of potential increased vessel movements during the construction phase in summer when vessel traffic is heavier.

We note the applicant's commitment in Section 17.15 to carry out a Navigation Risk Assessment (NRA), which will be used to support the Environmental Impact Assessment (EIA) Report. The MCA would expect an appropriate NRA to assess the likely impacts to fishing, recreational and commercial traffic within the study area and the likely associated risks to shipping and navigation. The MCA welcomes the inclusion of vessel data for the study area and recommends that the data should capture seasonal variations.

We note in section 17.14 of the Scoping report the reference to the Port Marine Safety Code (PMSC). The new facility should be treated as a Marine Facility as per the PMSC. The site does not fall within the jurisdiction of a Statutory Harbour Authority (SHA) and therefore the safety of navigation falls to the MCA. The PMSC is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties. We note under paragraph 3.1.3 of the code it states: "*The overall objective is to maintain risk levels within a limit that is deemed 'as low as reasonably practicable' (ALARP) following the requirements of the Port Marine Safety Code (DfT, 2016)*". The MCA would expect the NRA to be carried out in accordance with the Port Marine Safety Code (PMSC) and its Guide to Good Practice (GTGP).

We note in Section 17.15 that a HAZID workshop will be held to ensure local stakeholder input, and to bring together relevant navigational stakeholders (including Northern Lighthouse Board for lighting and marking requirements) for the area to discuss the potential impacts on navigational safety. Decisions relating to further controls should be agreed in consultation with other interested parties to determine whether the ALARP status has been met for each risk. The outputs of the NRA should be used to inform a judgement on significance of effects arising from the Project. We note that the risk assessment will be informed by consultation with other parties, and we recommend the inclusion of any local diving groups to the consultation stakeholder list in Section 17.16 as per the potential receptor of Commercial dive related incident in Table 17-2.

Section 17.25 of the Scoping Report states that “*on completion of the marine works, a bathymetric survey will be undertaken that takes into account the standards laid out within MGN 654 Annex 4*”. The MCA would welcome any survey data being submitted as third-party data to the UK Hydrographic Office (UKHO) for the update of nautical charts and publications to improve safety. We would like to highlight the need to provide the data in either GSF or CARIS format and that Total Vertical and Horizontal Uncertainty (TVU & THU) calculations are provided.

Chapter 23 of the scoping report which covers Major Accidents and Disasters states that navigational incidents are scoped in for construction and operation phases of the project which we welcome. Section 23.8. states that in terms of public utilities, there are no major pipelines, electricity cables or communications infrastructure within the Material Assets Study Area that are likely to be impacted by the proposed Project. We note however that subsea electricity cables appear to be present in the navigation study area in figure 17-1. The applicant should therefore confirm this statement.

Finally, to address the ongoing safe operation of the marine interface for this project, the MCA would again point the applicant in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to develop a robust Safety Management System (SMS) for the project under this code.

The MCA is satisfied with the scoping report at this stage as the basis for an Environmental Impact Assessment and an Environmental Statement from the shipping and navigation perspective subject to the clarification required above. The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the NRA and further stakeholder consultation.

We hope you find this information useful at scoping stage.

Yours faithfully,



Helen Duncan

Marine Licensing Project Lead

UK Technical Services Navigation

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**Northern Lighthouse Board**

From: Gillian Burns <Gillian.Burns@nlb.org.uk>

Sent: 19 September 2024 10:43

To: MD Marine Licensing <MD.MarineLicensing@gov.scot>

Subject: RE: [EXT] SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024

Dear Angie,

Please see the attached response from the Northern Lighthouse Board Ref : SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan.

If any further information is required please get in touch.

Best wishes,

Gillian

Official - Northern Lighthouse Board Email



Northern  
Lighthouse  
Board

[www.nlb.org.uk](http://www.nlb.org.uk)

Gillian Burns

Navigation Officer

T: 0131 473 2431

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84 George Street, Edinburgh, EH2  
3DA



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Our mission:

To deliver in the most sustainable way practicable, a reliable, efficient and cost-effective Aids to Navigation service for the benefit and safety of all Mariners.

Our values:

Safety, Pride, Integrity, Teamwork, Fairness, Innovation, Respect, Environment

Your Ref: SCOP-0055

Our Ref: GB/ML/A5\_01\_243

Angie Newman  
Marine Licensing Casework Officer  
Licensing Operations Team - Marine Directorate  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

19 September 2024

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("THE MW EIA REGULATIONS") - CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

**SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan**

Thank you for your e-mail correspondence dated 4<sup>th</sup> September 2024 relating to the EIA Scoping Report submitted by **Argyll and Bute Council (Per RPS Group)** for their proposal to extend the breakwater at Tayinloan, Kintyre Peninsula.

Northern Lighthouse Board welcome an invitation to participate in the HAZID exercise in support of the EIA Navigational Risk Assessment, and advise the following:

- A consultation exercise with local stakeholders should be completed as part of the NRA/HAZID process.

Yours sincerely

<Redacted>

Peter Douglas  
Navigation Manager

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**NatureScot**



**From:** Esther Whitford <Esther.Whitford@nature.scot>  
**Sent:** 24 October 2024 19:26  
**To:** MD Marine Licensing <MD.MarineLicensing@gov.scot>  
**Subject:** SCOP-0055/SCOP-0053 - NatureScot Response

Dear Sir/Madam,

**SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension –  
Tayinloan**

**SCOP-0053 - Argyll and Bute Council (per RPS Group) - Construction of Overnight  
Berth and Breakwater Extension, Gigha**

Please find attached our comments on the above scoping consultations. We have combined our response for both consultations into one due to the connected nature of the works. Should you required separate responses please let me know.

Many thanks,

Esther

Esther Whitford (she/her) | Operations Officer - West  
NatureScot| The Queen's Hall, 9 Argyll Street, Dunoon, Argyll, PA23 7HH |t: 01313  
144172 m: <Redacted>

NàdarAlba | Talla na Banrigh, 9 Sràid Earra-Ghàidheal, Dùn Omhain, Earra-  
Ghàidheal, PA23 7HH

[nature.scot](https://www.nature.scot) | [@NatureScot](https://twitter.com/NatureScot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*



By email: MD.MarineLicensing@gov.scot

24 October 2024

Your ref: SCOP-0055; SCOP-0053

Our ref: CEA176971; CEA176972

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”) CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS SCOP-0055: BREAKWATER EXTENSION, TAYINLOAN – SCOPING CONSULTATION SCOP-0053: CONSTRUCTION OF OVERNIGHT BERTH AND BREAKWATER EXTENSION, GIGHA – SCOPING CONSULTATION

Thank you for your consultations dated 4 September 2024 requesting comments on the scope of the Environmental Impact Assessment Reports for the proposed new breakwater extension at Tayinloan, and the proposed overnight berthing facility and breakwater extension at Ardminish, Gigha (hereafter referred to as the Proposals). Due to the connected nature of the works, we have assessed both Proposals together in our response.

## 1. Summary

We consider that the key issues of interest to NatureScot which should be addressed in detail as part of the Environmental Impact Assessment (EIA) process include:

- Potentially significant construction and operational impacts on the Sound of Gigha Special Protection Area;
- Potentially significant construction and operational impacts on the Inner Hebrides and the Minches Special Area of Conservation;
- Potential construction and operational impacts on Priority Marine Features; - Potential construction and operational impacts on sensitive cetacean species.

## 2. Designated Sites

### 2.1 Sound of Gigha Special Protection Area

Both Proposals are located within the Sound of Gigha Special Protection Area (SPA), designated for its non-breeding populations of eiders, great northern divers, red-breasted mergansers and

Slavonian grebes. Further information is available here:

<https://sitelink.nature.scot/site/10486>

The Queen's Hall, 9 Argyll Street, Dunoon, Argyll, PA23 7HH  
NàdarAlba, Talla na Banrigh, 9 Sràid Earra-Ghàidheal, Dùn Omhain, Earra-Ghàidheal, PA23 7HH  
01463 725 000 nature.scot  
NatureScot is the operating name of Scottish Natural Heritage

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Marine Directorate is required to consider the effect of the Proposals on the SPA before they can be consented

(commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

In our view the Proposals have the potential to have a Likely Significant Effects (LSE) with respect to the qualifying interests of the SPA. Further assessment will therefore be required to determine the potential for adverse impacts on the site integrity. In particular, there is a risk of disturbance and possible displacement by the Proposals and associated vessel movements on all four protected features, as well as possible impacts on the supporting habitats of the protected features.

## Survey work

The desk study survey data presented in the Scoping reports is limited, particularly to the west of the Sound of Gigha. The WeBS sites cited are both based on the east of the Sound of Gigha, covering the coastline around Tayinloan, and do not extend to the Isle of Gigha or the western side of the SPA. Additionally, the SPA citation data is not recent (dating between 2004 and 2013), and does not provide up to date information on the distribution of the qualifying features across the Sound of Gigha SPA.

The TTTC field surveys that have been commissioned by the Applicant to inform the EIA reports were undertaken between April and August 2024. **If construction or maintenance activities are proposed outside of the period between mid-April and August then additional site characterisation surveys will be required to provide data on the population and distribution of the protected features of the SPA.** These should be carried out within the indicative working area, along with at least a 1km buffer (preferable 2+ km for divers).

We would recommend that full winter surveys are also undertaken, as this would facilitate appropriate assessment should works be delayed. Surveys should take place

at least monthly over the winter period (October to March), and these should cover different times of day and different tidal states. Survey requirements will be dependent upon potential scale and significance of any associated impacts. Bird survey methodology including data presentation should be verified with NatureScot prior to any surveys commencing to ensure the data is suitable for future assessment.

## Construction Phase

As mentioned above there is potential for LSE from disturbance and displacement from the proposed activities on the protected features of the SPA. In order to assess this, further information will be required on the proposed timings of the construction and maintenance of the site.

It should be noted that some of the protected species, such as red-breasted merganser and great northern diver, have sensitive flightless moult periods where they are more at risk from disturbance. Additionally, the SPA is designated for overwintering congregations of the protected features. As such, works should ideally be restricted to the period of mid-April to the end of July, however the additional surveys outlined above will help to assess whether works in other periods may be possible.

The Scoping reports scope out the operation and maintenance phase on the grounds that the effects would not be materially different to the existing ferry service. However, it also states that there may be a periodic overhaul of the sites. **Therefore, the frequency and footprint of maintenance activities - particularly any additional maintenance dredging which may be required – should be considered at this stage and should be scoped in.**

## Disposal of dredged spoil

We note that it is assumed that the rock which is dredged will either be used on site, or will be disposed of offsite. It will be necessary to inform NatureScot of the chosen disposal method once this has been determined. There should be no disposal of any dredge material within the SPA and we suggest that this is included as a condition to any consent or licence.

If it is proposed that removal of spoil is undertaken at an at sea disposal site, we will require to know approximately how many additional vessel journeys would be expected within the dredging period. This is because, depending on the time of year for dredging (i.e. during the flightless moulting period for eider), this could constitute repeated disturbance, and additional mitigation may be required in this instance. Note that the flightless period for eiders is July – mid September.

## Changes to supporting habitats

The presence of large numbers of eider in the Sound of Gigha indicates the presence of mollusc beds such as blue mussel. Blue mussels prefer moderately strong to strong water movement on shallow, sublittoral mixed sediment, generally down to 20m depth. Although diving activity varies amongst species, average foraging depths for all four protected features are shallower than 15m.

As water depths near the Gigha and Tayinloan coastline are generally shallow with depths of less than 4m, we will require information on the benthic habitat in the area where the breakwaters will be constructed. The scoping report states that intertidal and subtidal surveys were completed in July 2024. This data should be used to assess the change to supporting habitats for the protected features of the SPA.

## Cumulative Impacts

A cumulative assessment should be produced to consider these Proposals in combination with other developments within the SPA. This should include the ongoing works at Kennacraig Ferry Terminal (Ref: 00010383) and the installation of the West of Gigha fish farm (Ref: 00010606).

### 2.2 Inner Hebrides and the Minches Special Area of Conservation

The Proposals are located approximately 6km away from the Inner Hebrides and the Minches Special Area of Conservation (SAC), designated for harbour porpoise (*Phocoena Phocoena*). Further information is available here:

<https://sitelink.nature.scot/site/10508>

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Marine Directorate is required to consider the effect of the Proposals on the SAC before they can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements:

<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations> *Noise*

We note that noise modelling will be undertaken as part of the EIARs. This should include all noise sources with the potential for impacts on harbour porpoise, including blasting, dredging and piling.

We largely agree with the list of effects to be scoped out, however we would like to see operational vessel noise scoped in. Due to the intention for a larger ferry to be used on this route, vessel noise for the operational phase should be scoped in to consider the noise levels produced, and whether this may be different to the present ferry and therefore result in an impact on harbour porpoise.

## Mitigation

Section 9.7.1 details mitigation measures however there is no specified mitigation for managing underwater noise on harbour porpoise. We would expect to see marine mammal observers/PAM operators used for potentially injurious activities such as piling and blasting, in addition to methods such as soft starts for some piling activities.

We would also expect to see the inclusion of standard mitigation such as:

- Informing vessel skippers and staff of marine mammal collision risks, conducting watches and ensuring slow speeds if marine mammals are detected.
- All vessels, including vessels under 10m in length, will adhere to the general principles in the Scottish Marine Wildlife Watching Code when undertaking their activities.

## Cumulative Impacts

There does not appear to be any mention of potential cumulative impacts on the protected features of the SAC. Consideration should be given for any existing developments or those that are anticipated to be built in the future.

### 2.3 Kintyre Goose Roost SPA/Rhunahaorine Point Site of Special Scientific Interest

On the Tayinloan side the Proposal is located adjacent to Rhunahaorine Site of Special Scientific Interest (SSSI) and within 2.5km of Kintyre Goose Roosts SPA, both designated for non-breeding populations of Greenland white-fronted geese. These goose populations are known to feed in the fields around the Proposal and are at risk of disturbance and displacement should any works take place between the end of September and March. Therefore, there may be a Likely Significant Effect on the SPA from these works.

We note that commissioned surveys were conducted from April to August. We would advise that wintering bird surveys are also carried out, when the geese are likely to be using the fields. This will account for any delays in the works period. NatureScot can also provide the feeding data from the Kintyre Local Goose Management Scheme if requested by the Applicant.

### 2.4 Other Designated Sites

We agree that Eileanan agus Sgeiran Lios mor SAC and South-East Islay Skerries SAC, both designated for harbour seal, should be scoped in for further consideration.

### 3. Priority Marine Features

We have no records of any Priority Marine Features (PMF) within the footprint of the Proposals, however we note that the Applicant has carried out a desk based survey which has identified seagrass to the north and south of Ardminish on Gigha.

The proposed intertidal and subtidal surveys will help to provide detailed information on the distribution of PMFs at the site. Further information regarding the construction methods and the proposed dredging activities/disposal locations, including the quantity and fate of any sediments released into the water column, will also be required in order to fully assess the possible impacts of these Proposals on any PMFs within the vicinity of the works.

### 4. Protected Species

As outlined above, there may be impacts on harbour porpoise as part of the Inner Hebrides and the Minches SAC. However, several other cetacean species have been recorded within disturbance distance of the Proposals and impacts on these species must be considered in the EIA as well. The survey requirements and mitigation outlined in Section 2.2 of this response are relevant to all cetacean species included in the final EIA reports. In addition to the species mentioned in the scoping reports, data from WhaleTrack has identified humpback whale, Risso's dolphin and common dolphin which have all been recorded within disturbance distance of the Proposals, and published data details their expected ranges. In particular, common dolphin are often sighted in the area. We would advise that these species are also included in the final EIA reports for consideration.

The scoping reports do not contain many cited references pertaining to marine mammals. A list of recommended resources can be found in Annex 1. Please note that 'WhaleTrail, n.d.' is an information page on the Hebridean Whale and Dolphin Trust website and only gives a high-level summary of the area. Instead WhaleTrack should be used as this provides up to date sighting data.

As all cetaceans are European Protected Species (EPS), an EPS licence may be required. This should be discussed with MD-LOT. In addition, the works could affect basking sharks, a PMF species, and if construction works are proposed during the summers, a basking shark licence may also be required. This should also be discussed with MD-LOT.

Please do not hesitate to contact me should you have any queries about our advice.

Yours sincerely,

# Esther Whitford

Operations Officer – National Operations West

esther.whitford@nature.scot

## Annex 1 – Additional Information Sources for Marine Mammals

- Cheney, B., Thompson, P.M., Ingram, S.N., Hammond, P.S., Stevick, P.T., Durban, J.W., Culloch, R.M., Elwen, S.H., Mandleberg, L., Janik, V.M. and Quick, N.J., 2013. Integrating multiple data sources to assess the distribution and abundance of bottlenose dolphins *Tursiops truncatus* in Scottish waters. *Mammal Review*, 43(1), pp.71-88.
- HWDT WhaleTrack sightings map
- Marine Scotland topic Sheet Number 33 (V2), Regional Differences in the Abundance Trends Amongst Harbour Seal Populations, available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2019/11/marine-scotland-topic-sheets-marine-mammals/documents/regional-differences-in-the-abundance-trends-amongst-harbour-seal-populations-updated-march-2017/regionaldifferences-in-the-abundance-trends-amongst-harbour-seal-populations-updated-march-2017/govscot%3Adocument/harbour-seal-populations.pdf>
- NatureScot Aerial Surveys of Seals in Scotland during the Harbour Seal Moulting, 2016-2019, available at: <https://www.nature.scot/doc/naturescot-research-report-1256-aerialsurveys-seals-scotland-during-harbour-seal-moult-2016-2019>
- Scientific Advice on Matters Related to the Management of Seal Populations. (SCOS) report 2022, plus interim advice 2023 if relevant
- SMASS strandings map: <https://strandings.org/map/>
- Waggitt, J.J., Evans, P.G., Andrade, J., Banks, A.N., Boisseau, O., Bolton, M., Bradbury, G., Brereton, T., Camphuysen, C.J., Durinck, J. and Felce, T., 2020. Distribution maps of cetacean and seabird populations in the North-East Atlantic. *Journal of Applied Ecology*, 57(2), pp.253-269.

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Scottish Environment Protection Agency

**From:** Planning.North <Planning.North@sepa.org.uk>  
**Sent:** 05 September 2024 12:24  
**To:** MD Marine Licensing <MD.MarineLicensing@gov.scot>  
**Cc:** Planning.North <Planning.North@sepa.org.uk>  
**Subject:** RE: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024

OFFICIAL

Dear Angie

**SEPA Ref: PCS20002889**

**SCOP-0055 - Construct a breakwater extension, Tayinloan, Argyll And Bute**

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on our [website](#). In addition, please also refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

If there is a significant site-specific issue, not addressed by our guidance or other information provided on our website, with which you would want our advice, then please reconsult us highlighting the issue in question and we will try our best to assist.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Yours sincerely

**Zoe Griffin**


**Senior Planner**

Scottish Environment Protection Agency

Buidheann Dìon Àrainneachd na h-Alba


## Working flexibly

Normal working hours currently Tuesday, Wednesday and Thursday 9:00am-4:30pm,

 01698 582198 or <Redacted>

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 Inverdee House | Baxter Street | Aberdeen | Ab11 9QA

 Postal address: Angus Smith Building | Unit 6, 4 Parklands Avenue | Holytown | Motherwell | ML1 4WQ

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Marine Analytical Unit (MAU)

**From:** Inga Freimane <Inga.Freimane@gov.scot>  
**Sent:** 19 September 2024 12:54  
**To:** Angie Newman <Angie.Newman@gov.scot>; MD Marine Licensing <MD.MarineLicensing@gov.scot>  
**Cc:** Kay Barclay <Kay.Barcly@gov.scot>; William Ellison <William.Ellison@gov.scot>; Yousaf Kanan <Yousaf.Kanan@gov.scot>; Abi Whitefield <Abi.Whitefield@gov.scot>  
**Subject:** FW: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024

Dear Marine Licensing team,

Please find the Marine Analytical Unit’s response to socio-economic chapter of the Tayinloan scoping report here: [Tayinloan Breakwater Extension - Scoping response - September 2024 details - Objective ECM \(scotland.gov.uk\)](#).

Best wishes,

Inga



### [Tayinloan Breakwater Extension Project](#)

#### **Marine Analytical Unit (“MAU”) Response**

##### **Marine Directorate**

The scoping report for the Tayinloan Breakwater and Berthing Facilities Project includes a description of a range of potential impacts. Tayinloan Breakwater scoping report was submitted alongside Gigha Breakwater scoping report, as these projects are interlinked. The scoping reports describe the same impacts. This response applies to both scoping reports and focuses only on the assessment of social and economic impacts.

## **Data sources**

The scoping report discusses a variety of data sources and has a detailed baseline environment. We noted that some information regarding employment used 2011 census data which is now out of date. Please ensure up-to-date data is used in the final SEIA. Please see Annex 1, which provides general advice for SEIAs, where you will also find a list of data sources that could be used to assess potential socio-economic impacts. Please use most up-to-date data sources to inform this assessment.

## **Scoping of impacts**

A number of impacts have been scoped into the assessment (employment, education/skills/qualifications, economic output, tourism, community facilities/services, commuting, housing, crime/safety). The report provides justification for scoping these impacts in/out for different stages of the project (construction and operation stages are considered). We agree with the proposed justification.

Please consult Annex 1 for a list of potential socio-economic impacts and consider whether any other impacts mentioned in Annex 1 need to be scoped into the assessment. We expect to see justification for scoping impacts in/out of the assessment.

Consider whether decommissioning impacts are relevant for this project.

## **Economic impacts**

The SEIA should analyse the gross value added (“GVA”) and employment impacts of the proposed development, including the direct, indirect and induced impacts and take account of deadweight, leakage, displacement and substitution. The inclusion of sensitivity analysis to account for risk, uncertainty and optimism bias is also welcomed. The assessment of the employment impacts should focus on the years of employment and type of jobs. If it is possible to supply additional information about the types of jobs that are expected to be created (e.g. part-time, full-time, skilled, unskilled etc) and how

these compare to the existing jobs in the study area, this will add further depth to the analysis.

### **Social impacts and engagement with local communities**

Please see Annex 1 for general advice on the assessment of social impacts.

The report states that this project follows Marine Licensing advice regarding consultation, and that a range of statutory consultees have been approached to date. It is not clear whether any engagement has been undertaken to date with non-statutory consultees, e.g. local communities. We advise that the assessment of potential socio-economic impacts would benefit from the engagement with local communities (see Methods Toolkit referenced in Annex 1). This could be built into any community engagement or consultation activities the developer is planning to use. The project is a relatively small-scale, and the assessment should be proportionate to the size of the development.

### **Conclusions**

We expect to see a detailed description of the methodology used to assess social and economic impacts in the EIA, including specific details about the methodological approach taken and any key assumptions that underpin any findings. This is a small-scale development, and the approach to SEIA should be proportionate.

# **Annex 1: General Advice for Socio-Economic Impact Assessment**

## **Marine Analytical Unit (MAU)**

### **Marine Directorate**

**March 2024**

This document sets out some suggestions for delivering socio-economic impact assessment drawing on the professional expertise of the Marine Analytical Unit (MAU), Marine Directorate.

#### **Section 1. Some general best practice tips**

- Take a proportionate approach to SEIA in line with the size of the development
- Consider offshore and onshore components of the development in the same assessment.
- Employ experts to design and carry out the assessment. The relevant expertise would include:
  - Social research and economist training, qualifications and experience
  - Familiarity and experience with appropriate methods for each discipline (including economic appraisal, social research methods such as surveys, sampling, interviews, focus groups and participatory methods)
- Consider potential secondary socio-economic impacts of any changes that affect the other relevant receptor groups covered in the wider EIA e.g. commercial fisheries, cultural heritage and archaeology and visual impacts.
- Include consideration of the cumulative impact of multiple offshore developments.
- Outline the rationale for scoping out impacts that are deemed to be minimal, including any evidence or analysis that has been used. If this is not provided it can be difficult for MAU to understand why impacts have been scoped out and we may suggest scoping them back in.

#### **Section 2. Key components of a Socio-economic Impact Assessment**

We set out below what we consider to be the key steps to an assessment. We recommend a combined approach so that social and economic impacts are covered together in the assessment, whilst acknowledging that different methodologies for



social and economic impacts assessment are needed at certain stages, and that the two disciplines are distinct.

We wish to highlight the importance of stakeholder engagement throughout the assessment, and the use of social research methods (see Methods Toolkit referenced at the end of this Annex) to gather primary data and first hand perspectives from particular groups and communities that are affected. These are helpful in order to better understand the nature and degree of impacts that might be caused by changes that are expected occur. A change in itself may or may not bring about tangible impact, impacts may vary for different people or be perceived in different ways, are affected by individual values and attitudes, and conditioned by the context.

Stakeholder engagement and data collection can occur at a number of stages in the SEIA process and may involve similar methodologies but there are important differences to note. The primary aims of stakeholder engagement are to inform, consult or involve key stakeholders, and to communicate information and gather feedback. Data collection, in contrast is a more rigorous analytical process involving:

- Setting out a planned methodology in advance with clear objectives of what you wish to achieve through data collection
- Sampling strategies that take account of the demographic variations in the population and the need to include difficult to reach groups
- Robust methods to collect information from people in a neutral and unbiased way
- Awareness of how data will be analysed and reported on to obtain and disseminate robust conclusions
- Taking account of research ethics including informed consent, and data protection requirements under GDPR

The stages below are divided into the activities that we suggest are **before** the developer submits a request for a scoping opinion and those that are done **after** the scoping phase. We recommend an iterative approach which means that steps inform each other, information is built up over time, and some steps may be repeated or done in a different order.

The key steps should include:

### **Pre-scoping activities**

- 1) **Getting started:** Employ economist and social research experts and work with them to develop a plan for the SEIA that sets out data requirements, and the proposed social and economic data collection and impact assessment methodologies, timescales, any data protection considerations, risk assessment and ethical issues that might arise from the work.
- 2) Develop a **detailed description** of the planned development and consider the project phases where socio-economic impacts might be experienced (covering development, construction, operation and maintenance and decommissioning phases). Start to map out potential socio-economic impacts and initial consideration of areas of impact on land that will need to be covered.
- 3) **Initial scoping of impacts:** develop a broad list of potential impacts informed by experts (including social researcher, economist, local representatives from key groups, community stakeholders and others).
- 4) **Define potential impact areas on land** taking into account locations and connections between activities. Different types of impacts may be experienced at different geographic levels, some in the area nearest the landfall or the nearest coastline to the development at sea, and others much further away (at Scotland level, UK level and internationally). The geographical scale at which social impacts are experienced may be different for social impacts compared with economic impacts. There may be multiple epicentres from which impacts radiate including the site of the development, land-based areas such as landfall and grid connections, construction bases and places from which the development is visible. Activities that take place in the sea are also relevant for defining the impact area on land, for example the location of fishing activity and ports where fish are landed. The definition of the impact area will inform which communities and which sectors are included in the assessment and vice versa, so this exercise needs to be done iteratively with step 3, the initial scoping of impacts.
- 5) **Stakeholder mapping** is required to identify all the people, groups and stakeholders who may be affected by the development and is a first step in order to conduct effective stakeholder engagement. This exercise is informed by the definition of the impact area. A broad approach is recommended. Stakeholders are likely to include local communities, businesses, workers, other users of the sea, interest groups, community councils and so on.

**Steps 4 and 5 may lead to a change in the list of potential impacts so this will need refined/checked.**

- 6) **Stakeholder engagement (with those affected by the development, sea users, communities etc)** is a key requirement of SEIA that is done at different stages of the process. We recommend doing some initial stakeholder engagement before

submitting the scoping report. Stakeholder engagement will fulfil a number of requirements:

- **Provide information about the development** so that those who might be affected are able to make an informed judgement about potential impacts
- **Present and refine list of potential impacts based on feedback** - identify impacts that are most relevant and add any additional ones that are identified
- **Collect initial data/ insights from stakeholders** on what potential socio-economic impacts (to be developed later)
- **Build relationships** with the community and key groups affected for later stages of the SEIA process so that they can understand the decisions making process and how they can influence it.

There are many **participatory methodologies** that can be used for effective stakeholder engagement that provide a deliberative space for community discussions.

This stage may also require the setting up of governance structures and a community liaison officer. **Early engagement** with those who might be affected is very important, as is meaningful and inclusive engagement where people feel that they are being listened to and that their feedback will be acted upon. It is important to set out clearly how stakeholder engagement is being done for the SEIA specifically.

- 7) **Gather contextual information** to develop a social and economic profile of the area prior to the development that will help with setting the baseline and impact prediction, identifying potential industries and communities that might be affected and sources of data that can be used in the assessment. This might include primary data collection using social research methods (such as surveys, interviews, focus groups) as well as desk based analysis (of existing data sets such as fishing data, population data).

Primary data collection may occur alongside participatory activities (e.g. engagement events) but must be done in a rigorous and systematic fashion and the findings should be robustly analysed and incorporated into the SEIA. Impacts that are identified for the other receptors in the wider EIA may also have socio-economic consequences and so it may be important to include these in the SEIA.

**8) Produce list of anticipated impacts to be covered in the scoping report** setting out the range of potential impacts that could occur, building on what has already been done using data and insights that have been collected from various activities described above. Details of the methods that have been used should be included to enable Marine Directorate to determine if the analysis is based on a robust and appropriate approach. Justification should be provided for any impacts that are scoped in or out. This could be based on suggestions made by stakeholders and the public during stakeholder engagement or an assessment based on the analysis of primary and secondary data.

It is helpful if the scoping report includes details on the approach to be used for the SEIA including methods for data collection, planned stakeholder engagement activities and data-sets to be used.

### **Post scoping activities for the SEIA**

The scoping opinion will advise on the final list of socio-economic impacts to be assessed in the SEIA. This may require additional data collection/ social research to enable a more rigorous assessment of a narrower set of anticipated impacts. It may also require further stakeholder engagement in order to check the significance of impacts with different groups, and the acceptability of mitigation options.

The data and information that has been collected throughout the scoping phase will be used to conduct steps 9, 10 and 11 below.

**9) Conduct baseline analysis** to assess the situation in the absence of the development, to provide a point of comparison against which to predict and monitor change. Appropriate social and economic measures should be used for the baseline and cover relevant issues (see section 4 for suggested data sources). Key stakeholders and other interested parties including affected communities and sectors may be aware of baseline data to be included, and this can be explored in the participatory approaches described above. The findings from social research can also be included in the baseline. Note that baseline data can be presented in the scoping report but is also the first stage of the SEIA and so should be included in the SEIA report.

### **10) Predict impacts and assess their significance (otherwise known as impact appraisal or options appraisal)**

Through analysis, estimate the social and economic changes and their expected impacts, considering any alternative development options and how significant the impacts might be. This is the core part of the assessment and forms the main part of

the assessment report. Different methodologies and both primary and secondary data inform this part of the exercise.

Different phases of the development should be covered (development, construction, operation and maintenance) and also transitions between phases (if relevant).

The knock on socio-economic consequences of impacts in other parts of the EIA assessment should be assessed here, such as the impact on commercial fisheries, and impacts on related industries such as tourism could also be included.

It is important to consider distribution of impacts among different social groups (covering protected quality characteristics, socio-economic groups and geographic area where relevant to do so).

Economic impact appraisal should include consideration of:

- Direct, indirect and induced impacts;
- Leakage, displacement and substitution effects;
- Deadweight loss;
- Cumulative impacts;
- Sensitivity analysis to account for risk, uncertainty and optimism bias.

There are a range of methodologies for calculating direct, indirect and induced impacts. These include the appropriate use of multipliers, a local content methodology, stakeholder involvement and expert opinion.

Modelling approaches should be realistic, based on robust data, and avoid over promising the economic impacts.

All prices should be presented in real terms (excluding inflation) and should state which year the prices represent.

## **11) Development enhancement, mitigation strategy and complete SEIA report.**

There may be an opportunity for adaptation or other approaches to mitigate potentially adverse impacts and to maximise positive opportunities. This may include engagement with the community to develop a strategy for enhancing benefits and mitigating against impacts; or development of a Community Benefit Agreement (CBA). Again these

activities should be done collaboratively with stakeholders where relevant and appropriate.

The SEIA report should clearly set out the methods used in the assessment, justification for decision made such as scoping certain impacts in or out of the assessment, and the approach to analysis. The report should cover the baseline analysis and results of the impact prediction or appraisal, and distributional impacts. Social and economic impacts can be set out separately (where this makes sense) and together where they overlap.

It is good practice for the report to be reviewed by the people (i.e. the wider group of stakeholders and communities) who were involved in providing data for its production.

### **Section 3. Examples of different types of socio-economic impacts**

In the literature social and economic impacts are defined in many different ways. Sometimes social and economic impacts are covered separately, whilst other sources refer to socio-economic impacts.

The following table sets out some commonly identified socio-economic impacts.

#### **Examples of Socio-economic Impacts from Glasson 2017<sup>1</sup>**

##### **1. Direct economic:**

- GVA
- employment, including employment generation and safeguarding of existing employment;
- characteristics of employment (e.g. skill group);
- labour supply and training; and
- other labour market effects, including wage levels and commuting patterns.

##### **2. Indirect/induced/wider economic/expenditure:**

- employees' retail expenditure (induced);
- linked supply chain to main development (indirect);
- labour market pressures;
- wider multiplier effects;

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<sup>1</sup> Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), *Methods of Environmental and Social Impact Assessment*, Abingdon: Routledge

- effects on existing commercial activities (e.g. tourism; fisheries);
- effects on development potential of area; and

### **3. Demographic:**

- changes in population size; temporary and permanent;
- changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and
- settlement patterns

### **4. Housing:**

- various housing tenure types;
- public and private;
- house prices and rent / accommodation costs;
- homelessness and other housing problems; and
- personal and property rights, displacement and resettlement

### **5. Other local services:**

- public and private sector;
- educational services;
- health services; social support;
- others (e.g. police, fire, recreation, transport); and
- local authority finances

### **6. Socio-cultural:**

- lifestyles/quality of life;
- gender issues; family structure;
- social problems (e.g. crime, ill-health, deprivation);
- human rights;
- community stress and conflict; integration, cohesion and alienation; and
- community character or image

### **7. Distributional effects:**

Distributional analysis is a term used to describe the assessment of the impact of interventions on different groups in society. Interventions may have different effects on individuals according to their characteristics such as income level or geographical location, effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice.

## **Section 4: Useful Data Sources for Socio-Economic Impact Assessments**

Name	Summary	Link to Source
Statistics.gov.scot	Contains a wide range of data by local authority and other geographic breakdowns. Has a search by subject and area option.	<a href="https://statistics.gov.scot">statistics.gov.scot</a>
Marine Economic Statistics	Annual economic statistics publication including GVA and employment data for marine economy sectors.	<a href="https://www.gov.scot/publications/marine-economic-statistics/pages/introduction.aspx">Marine economic statistics - gov.scot (www.gov.scot)</a>
Scottish Sea Fisheries Statistics	Provides data on the tonnage and value of all landings of sea fish and shellfish by Scottish vessels, all landings into Scotland, the rest of the UK and abroad, and the size and structure of the Scottish fishing fleet and employment on Scottish vessels.	<a href="https://www.gov.scot/publications/sea-fisheries-statistics/pages/introduction.aspx">Sea fisheries statistics - gov.scot (www.gov.scot)</a>
Scottish Shellfish Farm Production Survey 2022	Statistics on employment, production and value of shellfish from Scottish shellfish farms.	<a href="https://www.gov.scot/publications/scottish-shellfish-farm-production-survey-2022/pages/introduction.aspx">Scottish Shellfish Farm Production Survey 2022 - gov.scot (www.gov.scot)</a>
Scottish Annual Business Statistics 2020	Scottish Annual Business Statistics (SABS) presents estimates of employment, turnover, purchases, Gross Value Added and labour costs. Data are provided for businesses that operate in Scotland. Data are classified according to the industry sector, location and ownership of the business.	<a href="https://www.gov.scot/publications/scottish-annual-business-statistics-2020/pages/introduction.aspx">Scottish Annual Business Statistics 2020 - gov.scot (www.gov.scot)</a>
Sub-Scotland Economic Statistics Database	The Sub-Scotland Economic Statistics Database provides economic, business, labour market and population data for Scotland, and areas within Scotland.	<a href="https://www.gov.scot/publications/sub-scotland-economic-statistics-database/pages/introduction.aspx">Sub-Scotland Economic Statistics Database - gov.scot (www.gov.scot)</a>
Nomis Official Labour Market Statistics	Labour market statistics including data on employment, unemployment, qualifications, earnings etc.	<a href="https://nomisweb.co.uk">Nomis - Official Labour Market Statistics (nomisweb.co.uk)</a>



Economics of the UK Fishing Fleet 2020	Economic estimates at UK, home nation and fleet segment level for the UK fishing fleet. The estimates are calculated based on samples of fishing costs and earnings gathered by Seafish as part of the 2020 Annual Fleet Economic Survey.	<a href="#">Economics of the UK Fishing Fleet 2020 — Seafish</a>
Scotland's Census, National Records of Scotland	Census data that provides information about the characteristics of people and households in the country.	<a href="#">Scotland's Census   National Records of Scotland (nrscotland.gov.uk)</a>
Scottish Index of Multiple Deprivation	Collection of documents relating to the Scottish Index of Multiple Deprivation - a tool for identifying areas with relatively high levels of deprivation.	<a href="#">Scottish Index of Multiple Deprivation 2020 - gov.scot (www.gov.scot)</a>
The Green Book	HM Treasury guidance on how to appraise and evaluation policies, projects and programmes.	<a href="#">The Green Book: appraisal and evaluation in central government - GOV.UK (www.gov.uk)</a>
The Magenta Book	HM Treasury guidance on evaluation. Chapter 4 provides specific guidance on data collection, data access and data linking.	<a href="#">The Magenta Book - GOV.UK (www.gov.uk)</a>
Enabling a Natural Capital Approach (ENCA)	Supplementary guidance to The Green Book. ENCA resources include data, guidance and tools to help understand natural capital and know how to take it into account.	<a href="#">Enabling a Natural Capital Approach (ENCA) - GOV.UK (www.gov.uk)</a>

## Section 5: Further sources of guidance:

HM Treasury guidance on how to appraise and evaluate policies, projects and programmes: [The Green Book: appraisal and evaluation in central government](#)

Best practice in Social Impact Assessment according to the International Association for Impact Assessment: [Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects](#)

The project A two way Conversation with the People of Scotland on the Social Impacts of Offshore Renewables (CORR/5536) has developed elements of a conceptual framework on social values that can be used to support and inform existing processes for assessing the potential social impacts of offshore renewables plans: [Offshore renewables - social impact: two way conversation with the people of Scotland](#)

Best practice guidance for assessing the socio-economic impacts of OWF developments: [Guidance on assessing the socio-economic impacts of offshore wind farms \(OWFs\)](#)

[A toolkit of methods available to assist developers, consultants, and researchers carrying out socio-economic impact assessments: Methods Toolkit for Participatory Engagement and Social Research - gov.scot \(www.gov.scot\)](#)

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Caledonian Maritime Assets Limited

**From:** [David McHardie](#)  
**To:** [MD Marine Licensing](#)  
**Subject:** Re: SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024  
**Date:** 16 September 2024 15:34:36  
**Attachments:** [image001.png](#)

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Hi Angie,

Please note, as the location of the proposed works are a considerable distance out with CMAL's nearest port I have no comments to make in respect of this scoping report.

Best Regards,

Leis gach deagh dhùrachd,

**David McHardie | Dàibhidh McHardie**

**Harbour Master | Maighstir Cala**

Caledonian Maritime Assets Limited | Stòras Mara Cailleannach Eta

Mobile | Fòn-I: <Redacted>

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**From:** MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

**Sent:** 04 September 2024 12:08

**Subject:** SCOP-0055 - Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan – Consultation on Request for Scoping Opinion – Response Required by 04 October 2024

You don't often get email from md.marinelicensing@gov.scot. [Learn why this is important](#)

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Argyll and Bute Council (per RPS) have requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14 of the MW EIA Regulations.

The scoping report submitted by the applicant can here: [Scoping - Breakwater Extension - Tayinloan - SCOP-0055 | marine.gov.scot](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (“EIA”) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) by 04 October 2024. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to any proposed marine licence applications and not the onshore elements of the works.

Kind regards,

**Angie Newman**  
**Marine Licensing and Consenting Casework Officer**  
**Licensing and Operations Team**  
**Marine Directorate**  
E: [angienewman@gov.scot](mailto:angienewman@gov.scot)  
**The Scottish Government**

Website: [Marine environment: licensing and consenting requirements - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/marineenvironment/licensingandconsentingrequirements)



To see how we use your personal data, please view our [Marine licensing and consenting: privacy notice - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/marineenvironment/licensingandconsenting/privacynotice)

\*\*\*\*\*

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\*\*\*\*\*

Historic Environment Scotland



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email:** [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

Marine Directorate  
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: 300075425  
Your ref: SCOP-0055

16 October 2024

Dear Marine Directorate

**The Marine Works (Environmental Impact Assessment) (Scotland)  
Regulations 2017  
Argyll and Bute Council (Per RPS Group) - Breakwater Extension - Tayinloan  
Comments on scope of proposed Environmental Impact Assessment**

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 17 September 2024. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include topics covered by our advice giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

### Proposed development

We understand that the proposed development comprises the construction of an extension to an existing breakwater, plus dredging and possibly rock breaking on the northern side of the breakwater to provide a suitable depth of berth for a new design of ferry which will service the route between Tayinloan and Gigha.

### Scope of assessment

We have not identified any likely significant effects on our historic environment interests. We therefore have no advice to offer on the scope of assessment.



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SCOTLAND

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ALBA

## Further information

Decisions that affect the historic environment should take the [Historic Environment Policy for Scotland](#) (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series. We also recommend that the applicant refers to the [EIA Handbook](#) for best practice advice on assessing cultural heritage impacts.

We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, [hmconsultations@hes.scot](mailto:hmconsultations@hes.scot). If you have questions about this response, please contact Deirdre Cameron at [deirdre.cameron@hes.scot](mailto:deirdre.cameron@hes.scot)

Yours faithfully

**Historic Environment Scotland**



Scottish Water

Monday, 09 September 2024



Marine Licensing  
375 Victoria Road

Aberdeen

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Breakwater Extension - Tayinloan, Tayinloan, PA29 6XQ**  
**Planning Ref: SCOP-0055**  
**Our Ref: DSCAS-0117211-K5T**  
**Proposal: Scoping Report - Breakwater Extension**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at

the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

### Angela Allison

Development Services Analyst  
[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd
  - Tel: 0333 123 1223
  - Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - [www.sisplan.co.uk](http://www.sisplan.co.uk)
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal.

**Appendix II: Gap Analysis**

Applicant to complete:

<b>Consultee</b>	<b>No.</b>	<b>Point for Inclusion</b>	<b>EIA Report Section</b>	<b>Justification</b>
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