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

Craignure Ferry Terminal

July 2025

Contents

1. Introduction 3
1.1 Background 3
2. The Proposed Works 4
2.1 Introduction 4
2.2 Description of the Proposed Works 4
2.3 Onshore/Planning/Harbour Revision Order 6
2.4 The Scottish Ministers' Comments 6
3. Contents of the EIA Report 9
3.1 Introduction 9
3.2 EIA Scope 9
3.3 Mitigation and Monitoring 9
4. Consultation 11
4.1 The Consultation Process 11
4.2 Responses received 11
5. Interests to be considered within the EIA Report 13
5.1 Introduction 13
5.2 Coastal Processes, Hydrodynamics and Sediment Regime 13
5.3 Marine Water and Sediment Quality 13
5.4 Ground Conditions and Land Quality 14
5.5 Flood risk 14
5.6 Marine Ecology 15
5.7 Commercial and Recreational Fisheries 16
5.8 Ornithology 17
5.9 Terrestrial Ecology 18
5.10 Seascape, Landscape and Visual Amenity 18
5.11 Terrestrial Archaeology and Cultural Heritage 18
5.12 Marine Archaeology 19
5.13 Navigation 19
5.14 Transport 20
5.15 Noise and Vibration 21
5.16 Air quality 21
5.17 Materials and Waste 22
5.18 Climate Change 23
5.19 Socio-economics 23

5.20 Population and Human Health 24
5.21 Major Accidents and Disasters 24
6. Application and EIA Report 25
6.1 General 25
7. Multi-Stage Regulatory Approval 26
7.1 Background 26
Appendix I: Consultation Responses & Advice 27
Appendix II: Gap Analysis 28

1. Introduction

1.1 Background

1.1.1 On 7 January 2025, the Scottish Ministers received a scoping report ("the Scoping Report") from Argyll and Bute Council ("the Applicant") as part of its request for a scoping opinion relating to Craignure Ferry Terminal ("the Proposed Works"). In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("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.

1.1.3 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.

1.1.4 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").

1.1.5 In the event that the Applicant does not submit application*s* for marine licence*/s* 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 comprise the installation of a new ferry terminal at Craignure, Isle of Mull. The site of the Proposed Works has Craignure Bay to the north, northeast and east, with the closest point of the Scottish mainland 3.1 kilometres ("km") to the north.

2.2.2 The Proposed Works will take place to the north of the existing ferry terminal, with construction taking place whilst the existing ferry terminal remains operational.

2.2.3 The Proposed Works are envisaged to comprise the following main components:

- **Dredging**: Capital dredging to approximately -5 meters ("m") chart datum, representing a maximum dredge depth of 2.5m The dredged material is anticipated to be a mixture of silt, sand, and clay. While some of this material may be suitable for reuse within the reclamation area, it is likely that a portion will be unsuitable and will require disposal. Management and disposal options—such as placement at an approved marine disposal site—will be assessed and confirmed following further ground investigation (GI) and sediment testing.

- **Land Reclamation**: Reclamation of an area of land, including some excavation and dredge of soft material, with possible use of rock armour and/or sheet piles and/or concrete. Excavation or dredging of soft materials, such as silt and soft clay, is expected to be necessary to enable land reclamation. These materials are anticipated to be unsuitable for reuse elsewhere on site; however, options for in-situ strengthening will be explored. To stabilise the reclaimed land and prevent erosion, rock-

armoured revetments and/or retaining structures—such as sheet-piled or concrete walls—will be constructed.

The new area of reclaimed land is proposed to accommodate a bus and coach terminal, car park, and an expanded vehicle marshalling area with check-in booths and queuing lanes. The development will also include access and egress points connecting to the road network. A new ferry terminal building is planned within the reclaimed area, incorporating a passenger waiting area and staff welfare facilities. Separately, the existing Passenger Access System ("PAS") at the current terminal is scheduled for replacement ahead of this development. The new PAS will be relocated and integrated into the proposed ferry terminal.

- **New Pier Construction**: Construction of a new pier to accommodate vessels of 100m Length Over All ("LOA"). The proposed new pier will extend in a north-easterly direction into Craignure Bay from the newly reclaimed land. It will consist of a piled, suspended deck structure, featuring both northern and southern berthing faces—each capable of accommodating vessels up to 100 metres in length. The pier's overall length and rounded end will enable the safe berthing and overnight mooring of a variety of vessel types.

- **New Linkspan and Fixed Ramp Construction**: A new linkspan will be constructed immediately north of the pier, and a fixed ramp immediately to the south. Revetment or retaining structures will be built beneath and behind these elements to support them. Essential services and utilities—including shore power and potable water—will be installed as part of the new ferry terminal.

- **Demolition and removal of existing ferry terminal infrastructure**: Sections of the existing ferry terminal are in poor condition and have limited structural capacity; therefore, demolition of the current structure is proposed. This will involve removing the existing pier piles and suspended deck, the linkspan and its support dolphin, as well as the timber fendering substructure, marine furniture, services, cabin, and other ancillary components. The existing piles are expected to be cut at bed level or to a depth sufficient to eliminate any navigational hazards. If revetment or rock armour is found beneath the current marine infrastructure, it may be excavated and removed to restore the area to its natural seabed condition.

- **Provision of a slipway and pontoon**: The Provision of a slipway and pontoon facility for small vessels are under consideration, no further details have been provided within the Scoping Report.

2.2.4 The Scoping Report is not specific on desired start date nor length of the Proposed Works, however of note within the Scoping Report is that the construction and demolition phases will be planned to ensure that current ferry operations can continue, with a view to avoiding or reducing impact on the existing ferry service. Accordingly, demolition of the existing terminal infrastructure is expected to take place only after the new ferry terminal is fully operational. The detailed demolition and construction schedule will be developed as part of the ongoing detailed design process

2.3 Onshore/Planning/Harbour Revision Order

2.3.1 The Scottish Ministers are aware the Applicant has sought a separate scoping opinion from Argyll and Bute Council for the associated onshore infrastructure works. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

2.4.1 The Applicant has not included details or estimations for the commencement nor the timings of the Proposed Works. Whilst it is noted in Section 3.7 of the scoping report that careful construction sequencing is anticipated to minimise impact on existing ferry operations. The EIA Report must contain a timescale for the Proposed Works, including the proposed timing of all construction sequences. The EIA Report must include an assessment for the entirety of the Proposed Works.

2.4.2 It is noted in Section 3.3 of the Scoping Report that material from dredging operations may be utilised for re-use in land reclamation. The EIA Report should consider the worst-case scenario regarding the suitability/unsuitability of the material.

2.4.3 Its is also noted in Section 3.3 of the Scoping Report that only a portion of the dredge material may be used for land reclamation. The EIA Report must consider the deposit site for the remaining dredge material. The Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered. This must

include a consideration of all dredge material if the worst-case scenario concludes that no dredge material is suitable for reclamation purposes. The Scottish Ministers note that sediment sampling must be undertaken prior to application to support the marine licence application to undertake capital dredging. The Scottish Ministers advise that the results of this sampling must be incorporated within the EIA Report where appropriate.

2.4.4 The Applicant recognises that the scope of the Proposed Works outlined in the Scoping Report is indicative, with the design being described as a concept. The advice of this Scoping Opinion is proportionate to the level of detail provided in the report. The Scottish Ministers emphasise that the EIA Report and related applications must include accurate, current and detailed information to ensure a comprehensive understanding of the scale, methodology, and timeline of the Proposed Works.

2.4.5 There is a level of detail included within the Scoping Report regarding the operational phase of the Proposed Works. Due to the anticipated increased provision of ferry service, and the capacity of the pier meaning more vessels may be accommodated at one time there is potential for an increase in associated on-shore traffic management, and a potential increase in localised vessel emissions. The Scottish Ministers require that the operational aspects of the Proposed Works are fully considered in the EIA Report.

Design Envelope

2.4.6 The Scottish Ministers note that if it is 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 references to worst case scenarios throughout the Scoping Report.

2.4.7 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/s for the marine licence/s and the accompanying EIA Report.

2.4.8 The Scottish Ministers will determine the application/s 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.

2.4.9 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

2.4.10 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 acknowledge section 4.6 of the Applicant's Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further.

2.4.11 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 have 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 27 January 2025. 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**
- *Crown Estates Scotland*
- *Fisheries Management Scotland ("FMS")*
- *Fisheries Office - Oban*
- **Historic Environment Scotland (“HES”)**
- **Marine Analytical Unit (“MAU”)**
- **Maritime and Coastguard Agency (“MCA”)**
- *Ministry of Defence ("MOD")*
- *Mull Community Council*
- **NatureScot**
- **Northern lighthouse Board (“NLB”)**
- *National Trust for Scotland ("NTS")*
- **Royal Yachting Association (“RYA”) Scotland**
- *Royal Society for the Protection of Birds ("RSPB")*
- **Scottish Environmental Protection Agency (“SEPA”)**
- **Scottish Fishermen’s Federation (“SFF”)**
- **Scottish Water**
- *Scottish Wildlife Trust*
- *The Scottish White Fish Producers Association ("SWFPA")*
- **Transport Scotland**
- *UK Chamber of Chipping*
- *Whale and Dolphin Conservation*

4.1.2 Specific advice was sought from Marine Directorate – Science Evidence Data and Digital (“MD-SEDD”), the Marine Directorate – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

4.2 Responses received

4.2.1 From the list above a total of eleven responses were received. Advice was also provided by MD-SEDD, MAU and TS. 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, MDS and TS 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 Coastal Processes, Hydrodynamics and Sediment Regime

5.2.1 The Applicant considers coastal processes, hydrodynamics and sediment regime in Section 5 of the Scoping Report. The Applicant considers the following sensitive receptors: coastal waters and sediment of Craignure Bay; coastal waters and sediment of wider Sound of Mull. Table 5-2 within the Scoping Report identifies the potential impacts during both the construction and operational phase of the Proposed Works. The Applicant proposes that coastal processes, hydrodynamics and sediment regime are scoped in for further assessment within the EIA Report.

5.3.2 The representation from Argyll and Bute Council agrees with the proposed approach to coastal processes, hydrodynamics, and sediment regime and confirms they are appropriately scoped in. Argyll and Bute Council further state that the mitigation measures should be reviewed once proposed.

5.2.2 The Scottish Ministers concur that the assessment of coastal processes, hydrodynamics and sediment regime be scoped in to the EIA Report for all phases of the Proposed Works.

5.3 Marine Water and Sediment Quality

5.3.1 The Applicant considers the potential impacts on marine water and sediment quality in Section 6 of the Scoping Report. The Applicant considers there to be a potential impact on the following receptors: the surface waters within Craignure Bay; the superficial and bedrock groundwater underlying the site; the surface waters surrounding any marine disposal sites; port operators and amenity site users downstream or in the immediate vicinity of the site; ecological communities; and construction and demolition workers on-site and users of the ferry service. Table 6-1 outlines the potential environmental effects to be scoped in/out of further assessment in the EIA Report. The Scoping Report rationalises that those elements to be scoped out are

effectively mitigated either by existing regulation or by virtue of distance from the Proposed Works.

5.3.2 The representation from Argyll and Bute Council agrees with the proposed approach and methodology to assessment detailed in Table 6-1. It highlights that the Scoping Report discusses the baseline water and sediment environment at the site of the Proposed Works and that as biological statutory designations are located 300m north-east of the proposal the Applicant is to undertake water and sediment sampling and present the results in the EIA Report. It further notes that Section 6.2.7 of the Scoping Report omits to include the Loch Sunart to Sound of Jura MPA for the protected feature Flapper skate (*Dipturus intermedius*). This feature must be included in the EIA Report. With regards to the preliminary discussion of mitigation and enhancement measures in section 6.5, the Argyll and Bute representation indicates that the measures listed in 6.5.1 should all be considered in the EIA Report.

5.3.3 The Scottish Ministers agree with the proposed scope for the assessment of marine water and sediment quality as detailed in Table 6-1 and emphasise the additional requirements identified in the Argyll and Bute Council representation must be adequately addressed in the EIA Report.

5.4 Ground Conditions and Land Quality

5.4.1 Section 7 of the Scoping Report has a primary focus on the terrestrial shore-side aspects of the Proposed Works. The Applicant proposes to scope out both demolition and construction impacts, and operational impacts on ground conditions and land quality. The primary rationale being the implementation of a Construction Environmental Management Plan ("CEMP") at the demolition and construction phases, and the development of an appropriate port management procedure during the operational phase of the Proposed Works.

5.4.2 Scottish Ministers defer to the Scoping Opinion issued by Argyll and Bute Council dated 13 May 2025 in respect of the Proposed Works under planning reference 25/00029/SCOPE and note the comments within Section 7 of the Scoping Report.

5.5 Flood risk

5.5.1 The Applicant considers flood risk in Section 8 of the Scoping Report and primarily focuses on the potential terrestrial impacts. Marine related impacts, namely changes to water levels (tidal and surges) during the operational life of the Proposed Works, is to be scoped out. The Applicant's rationale is that

this will be assessed within the coastal processes, hydrodynamics and sediment regime chapter of the EIA Report (see section 5.2 of this Scoping Opinion).

5.5.2 The Argyll and Bute Council representation welcomes the assessment, approach and methodology proposed in the Scoping Report and adds that the development of a flood risk assessment should consider flooding and land erosion policies as outlined in the Local Development Plan 2 (LDP2) Argyll and Bute LDP2 Written Statement Feb 2024 and Policy 55 – Flooding and Policy 56 – Land Erosion.

5.5.3 Scottish Ministers concur that the impact of flood risk due to potential changes to water levels (tidal and surges) during the operational life of the Proposed Works be can be scoped out of the EIA Report.

5.6 Marine Ecology

5.6.1 The Applicant considers marine ecology in Section 9 of the Scoping Report. It identifies the sensitive receptors as habitats, marine mammals (including both cetaceans and seals), fish, invertebrates, and invasive non-native species ("INNS"). Section 9 also identifies the designated sites that support these sensitive receptors. These include the Inner Hebrides and the Minches Special Area of Conservation (“SAC”), the Loch Sunart to the Sound of Jura Marine Protected Area (“MPA”), and the Eileanan agus Sgeiran Lios Mòr SAC. The Applicant proposes that the following potential effects during the demolition and construction phase be scoped into the EIA Report: underwater noise and vibration; vessel strike; visual disturbance; suspended sediments and the resuspension of contaminants; habitat loss; and changes to coastal processes. The Applicant proposes that the following potential effects during the demolition and construction phase be scoped out of the EIA Report: water pollution (such as that resulting from chemical and/or fuel spillage), and the introduction and/or spread of INNS.

5.6.2 The NatureScot representation states that the Sea of the Hebrides MPA and the Treshnish Islands SAC must be scoped in to the EIA Report for consideration. NatureScot further note that the Zone of Influence (“ZOI”) is 15 km within the Scoping Report for designated sites where marine mammal species are a qualifying interest. NatureScot requires the ZOI of 15 km is updated once the site-specific underwater noise modelling has been completed for auditory injury and disturbance impact ranges from noise emitting construction/demolition activities. NatureScot further note the Applicant is to submit a Biosecurity Management Plan within the EIA Report. Therefore INNS must be scoped into the EIA Report.

5.6.3 In the Argyll and Bute Council representation it highlights the desk study data sources in Sections 9.2.3 and 9.2.10 of the Scoping Report and recommends the Applicant consult the following: Sea Watch Foundation public sightings data, covering the Inner and Outer Hebrides (2024). Whale and Dolphin Conservation Shorewatch, including an updated trend analysis from Gutierrez-Munoz et al. (2021) and data through 2023. On page 44 of the Scoping Report, footnote 62 lacks a website link for the NatureScot (2024) report. The EIA Report must include the full URL. Given uncertainties in baseline marine mammal data along the west coast, a detailed project-level survey is expected to map cetacean and seal movements before construction to establish a robust assessment baseline.

5.6.4 The SFF representation comments that the Proposed Works lies within the range of notable species such as Atlantic herring, sandeel, anglerfish, mackerel, and cod. As herring and other fish are noise-sensitive, demolition should be scheduled outside their spawning period to protect eggs, larvae, and juveniles.

5.6.5 The Scottish Ministers concur that marine ecology is scoped in but must also include the addition of the Sea of the Hebrides MPA and the Treshnish Islands SAC. The Applicant must also consider and include the elements outlined by Argyll and Bute Council in paragraph 5.6.3 above. The introduction and or spread of INNS must also be scoped in.

5.7 Commercial and Recreational Fisheries

5.7.1 The Applicant considers commercial and recreational fisheries in Section 10 of the Scoping Report and describes in Table 10-3 the potential effects during the demolition and construction phases. The Applicant proposes that interference with commercial or recreational fishing activities due to vessel movements obstructing navigation routes to fishing grounds or obstructing fishing activities; loss of or restricted access to commercial or recreational fishing grounds; and displacement of commercial or recreational fishing activity into other areas are considered potentially significant and are therefore scoped into the EIA Report. Impacts on non-UK fishing vessels and potential indirect impacts on stocks of target finfish and shellfish species are scoped out and will not be assessed further. The Scoping Report proposes scoping in only two operational-phase effects: restricted access to, or loss of, commercial or recreational fishing grounds, and the displacement of such activities to other areas; and interference from vessel movements, indirect impacts on target fish and shellfish stocks, and disruption to aquaculture.

5.7.2 Scottish Ministers note that the potential indirect impacts on stocks of target finfish and shellfish species has been scoped out of the EIA Report, due to

these impacts being assessed in the marine ecology and underwater chapter. However, MD-SEDD advice states that whilst these impacts will be assessed in the marine fish ecology chapter, MD-SEDD advises using its findings to evaluate effects on commercially important species within the commercial fisheries context. Therefore, and in line with the advice received from the Scottish Fisheries Federation, the potential indirect impacts on stocks of target finfish and shellfish is to be scoped in.

5.7.3 Scottish Ministers also note that the Argyll and Bute Council representation identifies an unused shellfish farm site located at Sgeir Mhic Hominin. As a result disruption to aquaculture activity is to be scoped in.

5.7.4 The Scottish Ministers concur that commercial and recreational fisheries are scoped in to the extent outlined in the Scoping Report, with the further inclusion of the potential indirect impacts on stocks of target finfish and shellfish species with specific reference to its impact on commercial and recreational fisheries.

5.8 Ornithology

5.8.1 The Applicant addresses ornithology in Section 11 of the Scoping Report. Section 11.3.3 outlines potential effects during demolition and construction phases and proposes to scope in: above-ground/sea noise that could displace foraging seabirds (including SPA species); underwater noise and vibration from dredging and piling; indirect effects on the water column from dredging; disturbance from marine disposal of dredge material; and changes to coastal processes. The Applicant proposes scoping out water pollution during the construction phase (e.g. from chemical or fuel spills). The Applicant advises this risk is mitigated through the CEMP. The Applicant acknowledges that there is potential to be impacts to ornithology during the operational phase of the Proposed Works both at Craignure and potential marine disposal sites. However, the Applicant proposes that ornithology be scoped out of the operational phase as disturbance effects associated with marine disposal of dredge material would be considered within an Ecological Impact Assessment and would inform the Habitats Regulations Appraisal process. In addition, increased ferry traffic and vessel presence is scoped out of the operational phase as protected species utilising the site are considered likely to be habituated to the presence of vessel and ferry traffic.

5.8.2 The Scottish Ministers concur that ornithology is scoped in to the extent outlined in Table 11-1 of the Scoping Report..

5.9 Terrestrial Ecology

5.9.1 Section 12 of the Scoping Report considers impacts on terrestrial ecology from the Proposed Works. The Applicant proposes to scope out both demolition and construction impacts, and operational impacts on terrestrial ecology. The primary rationale being the implementation of the CEMP at the demolition and construction phases, and the development of an appropriate port management procedure during the operational phase of the Proposed Works.

5.9.2 Scottish Ministers defer to the Scoping Opinion issued by Argyll and Bute Council dated 13 May 2025 in respect of the Proposed Works under planning reference 25/00029/SCOPE and note the comments within section 7 of the Scoping Report.

5.10 Seascape, Landscape and Visual Amenity

5.10.1 Section 13 of the Scoping Report addresses seascape, landscape, and visual amenity, identifying a range of terrestrial and marine receptors. Section 13.3.2 (Table 13-1) outlines the potential effects during the demolition and construction phases, proposing to scope in impacts on: landscape fabric and character; seascape character; landscape designations and classifications; and the visual amenity of recreational and transport routes; as well as residential receptors. Effects relating specifically to seascape are noted as being under the Marine Directorate's remit. For the operational phase, the report proposes to scope in effects on: landscape fabric and character; seascape character; and visual amenity of key receptors. However, operational effects on landscape designations and classifications are proposed to be scoped out.

5.10.2 To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree with the approach in Table 13-1 and that seascape, landscape and visual amenity should be scoped in for further assessment within the EIA Report.

5.11 Terrestrial Archaeology and Cultural Heritage

5.11.1 Section 14 of the Scoping Report considers the impacts on terrestrial archaeology and cultural heritage from the Proposed Works. The Applicant proposes to scope in both demolition and construction impacts, and operational impacts on terrestrial archaeology and cultural heritage as summarised in Table 14-1 of the Scoping Report.

5.11.2 The HES representation requires the EIA Report to provide clarity on how the new ferry terminal infrastructure might impact the following heritage assets:

Torosay Castle (Duart House) GDL00376 – 520m South East of the site; Torosay Castle LB17975 – 2.2km South East of the site; and Duart Castle LB17974 – 3.5km East of the site and request wirelines illustrating impacts where relevant. It further notes that if existing woodland provides screening, any long-term management plans for this vegetation should be reviewed and included in the assessment to clarify whether such screening will remain in place.

5.11.3 The Argyl and Bute Council Scoping Opinion considered the proposed approach and methodology acceptable subject to the requirements of HES outlined above.

5.11.4 To the extent that the effects relate to marine licensable activities, the Scottish Ministers agree that terrestrial archaeology and cultural heritage should be scoped in for further assessment within the EIA Report for all phases.

5.12 Marine Archaeology

5.12.1 The Applicant addresses marine archaeology in Section 15 of the Scoping Report. Impacts during demolition, construction, and operation are proposed to be scoped in. These include: physical disturbance to the seabed and sub-seabed; indirect changes to hydrodynamic and sedimentary regimes resulting in either sediment reduction or accumulation; and both temporary and permanent changes to the setting of heritage receptors due to construction activities and the completed development.

5.12.2 Scottish Ministers are content with the approach and methodology proposed and that marine archaeology be scoped in to the EIA Report for further assessment.

5.13 Navigation

5.13.1 In Section 16 of the Scoping Report, the Applicant considers navigation and its potential effects on public safety, the environment, port and port user operations (including business and reputation), and port and shipping infrastructure. The Applicant proposes to scope out all navigation-related impacts during both the demolition, construction, and operational phases. This includes navigation and marine operation hazards in relation to the listed receptors, potential restrictions on commercial vessel movements affecting socio-economic factors, and land-side health and safety risks.

5.13.2 The MCA representation states that it is content for navigation to be scoped out of the EIA Report due to it forming part of a separate Navigation Risk Assessment (“NRA”). Of note is the commitment by the Applicant for the NRA

to follow the Port Marine Safety Code ("PMSC") and the Guide to Good Practice ("GTGP"). In its representation the NLB note that any Navigational Risk Assessment to be scoped out at this stage, be covered later as part of the submission of a full marine licence application.

5.13.3 The Argyll and Bute Council representation considered the proposed approach acceptable on the basis that potential hazards and risks for navigation are marine operations will be assessed in a standalone NRA as part of the planning and marine licence application process.

5.13.4 Scottish Ministers also note that the aspects of the land-side H&S risks will also be considered as part of the Health and Safety at Work regulations 1974 compliance documentation, and that this should not be conflated with the NRA.

5.13.5 Scottish Ministers are content for navigation to be scoped out, on the proviso that the navigation receptors will be fully assessed in the NRA.

5.14 Transport

5.14.1 Section 17 of the Scoping Report considers transport impacts, identifying sensitive infrastructure receptors such as pedestrian and cycle routes, bus stops and routes, the Craignure Ferry Terminal, and main roads (e.g. A849). Transport user receptors include pedestrians, cyclists, public transport users, and road users. The Applicant proposes to scope in potential effects during both the demolition, construction, and operational phases. These include severance, driver delay on the local road network, pedestrian and cyclist delay, accident and safety risks, and impacts on transport user amenity. Change in public transport trips is proposed as being scoped out at the demolition and construction phase but proposed as being scoped in at the operational phase.

5.14.2 In its advice Transport Scotland note the Scoping Report makes reference to the Craignure side of the ferry route but does not address the Oban side of the route, with potential for increased traffic on the A85(T) at Oban both during the demolition and construction phase and during the operational phase. It is expected that only the A849 will be assessed, with no assessment currently proposed for Oban. The Transport Scotland advice requests that consideration is given to the increased traffic levels and associated environmental effects of both the demolition of existing infrastructure and construction phase of the Proposed Works on the A85(T). In addition, consideration of the potential uplift in vehicle numbers associated with the potential capacity increase associated with the larger ferries to be accommodated is requested. Transport Scotland also note that the Abnormal

Loads Assessment for potential Abnormal Indivisible Loads ("AIL") will need to meet its requirement to not have any detrimental effect on structures within the trunk road route. The Applicant is directed to the Transport Scotland advice for further detail.

5.14.3 Scottish Ministers defer to the scoping opinion issued by the Argyll and Bute Council dated 13 May 2025 in respect of the Proposed Works under planning reference 25/00029/SCOPE and note the comments within section 17 of the Scoping Report.

5.15 Noise and Vibration

5.15.1 Section 18 of the Scoping Report considers terrestrial noise and vibration, identifying sensitive receptors including residential properties along the A849 and near the Proposed Works, Craignure Bay House, commercial and office uses such as the Craignure Ferry Terminal and HM Coastguard Station, Craignure Bunkhouse Hostel (approximately 210 m southeast), the Craignure Inn (250 m southeast), Torosay Church of Scotland (340 m southeast), the Police Scotland station (345 m southeast), residential properties on an unnamed road (345 m southeast), and Craignure Village Hall (310 m southeast). The Applicant (see Table 18-1) proposes to scope in effects from demolition and construction noise and vibration, changes in road traffic noise during both demolition/construction and operation, noise from new fixed plant, and noise from on-site vehicles. Operational vibration and noise from larger ferries or vessels during the operational phase are scoped out from further assessment

5.15.2 Scottish Ministers defer to the Scoping Opinion issued by Argyll and Bute Council dated 13 May 2025 in respect of the Proposed Works under planning reference 25/00029/SCOPE and note the comments within section 18 of the Scoping Report.

5.16 Air quality

5.16.1 Section 19 of the Scoping Report considers air quality and identifies sensitive receptors including ferry passengers, the public at nearby recreational and commercial properties, residential properties, cafés with outdoor seating, hostels, hotels, and campsites along the A849, mainland receptors where dredged material is landed (location to be confirmed), designated sites such as the Inner Hebrides and the Minches SAC, and adjacent non-designated Ancient Woodland. Table 19-1 proposes to scope in demolition and construction phase effects related to dust deposition, elevated PM10 levels, and increased odour from dredging. It also proposes to scope out impacts

during both demolition/construction and operational phases, including: increases in NO_2; PM10, and PM2.5 from road traffic; nitrogen and acid deposition from NOx; and emissions of NOx, NO_2, PM10, PM2.5; and SO_2 from the vessels.

5.16.2 In its advice Transport Scotland note that if materials are to be transported to or from Oban, Transport Scotland requests that the potential increase in traffic and related environmental impacts on the A85(T) during both the demolition of existing infrastructure and construction of the proposed development be considered. It also notes the potential for increased vessel size and potential for changes to existing baseline emissions.

5.16.3 Scottish Ministers note the mitigation offered for the rational to scope out the identified effects in Table 19-1 of the Scoping Report, and consider that the baseline conditions should also take into account the Oban side of the ferry route, and increased vessel size, and that air quality is to be scoped in with the baseline for the additional vehicle movements and vessel sizes established.

5.17 Materials and Waste

5.17.1 Section 20 of the Scoping Report addresses materials and waste, identifying the following sensitive receptors: landfill void capacity; materials markets; and offshore disposal locations. Table 20-4 proposes to scope out all related effects during demolition, construction and operation including: resource consumption; landfill depletion; disposal of dredged material at sea; and generation of dredged material during operation.

5.17.2 The Argyll and Bute Council representation highlights section 20.4.1 of the Scoping Report and agree that materials and waste can be scoped out of the EIA Report. It further confirms that the outline Construction Environmental Management Plan (“oCEMP”), the outline Site Waste Management Plan (oSWMP); and the outline Operational Waste Management Plan (“oOWMP”) be submitted at the time of planning.

5.17.3 Scottish Ministers concur that material and waste can be scoped out from further assessment. In respect of the dredge aspects at all phases of the Proposed Works Scottish Ministers note that the licence requirements for both capital and maintenance dredges will be supported by environmental assessment, and as such concur that the dredge aspects of Section 20 can be scoped out.

5.18 Climate Change

5.18.1 Section 21 of the Scoping Report addresses climate change, identifying sensitive receptors including construction workers, construction activities (such as materials, scheduling, and costs), people near the site, the integrity of the proposed development during operation, and the global atmosphere due to greenhouse gas (GHG) emissions from both construction and operation. The Applicant proposes to scope in the additive effects of climate change on impacts identified by other disciplines, as well as GHG emissions from plant use, transport, and waste disposal during demolition and construction. It also proposes to scope out the resilience of the development to climate change during demolition and construction, but to scope it in for the operational phase.

5.18.2 Scottish Ministers agree that climate change be scoped in to the EIA Report, to the extent detailed in Table 21-3.

5.19 Socio-economics

5.19.1 Section 22 of the Scoping Report addresses socioeconomics, identifying sensitive receptors such as construction and operational employment, tourism, and public access and recreation. The Applicant in Table 22-2 proposes to scope out all related effects during both demolition/construction and operational phases, including impacts on employment, tourism, and recreational activities.

5.19.2 In its advice the MAU note that the demographic data is from a range of years, specifically 2021 for Section 22 of the Scoping Report and 2022 for Section 23 of the Scoping Report, leading to inconsistencies. The MAU requires the most up-to-date data. Scottish Ministers draw the Applicants attention to the references to data sources provided by MAU in its advice. The MAU also require that an analysis of gross value added and employment impacts be included in the final assessment. It also notes the potential interplay between an influx of temporary workers and the accommodation impacts this implies, particularly on tourism interest on the island and require this to have an emphasis within the final assessment. The Applicant is directed to the MAU advice for further details.

5.19.3 Based on the advice from the MAU, Scottish Ministers advise that Socio-economics must be scoped in for further assessment in the EIA Report.

5.20 Population and Human Health

5.20.1 Section 23 of the Scoping Report considers population and human health. The Applicant proposes to scope out all related effects during both demolition/construction and operational phases. These include changes in population or health due to increased employment, pressure on healthcare services, health impacts from traffic, noise, pollution, or contamination, and risks to public safety from vessel collisions, site activities, or major accidents. Post-construction effects such as demographic shifts, increased emissions, noise, pollution, health impacts from employment changes, and vessel collision risks are also proposed to be scoped out.

5.20.2 The rationale for these aspects being scoped out is provided in Table 23-1 and Scottish Ministers note these comments. However, the MAU in its advice note that the demographic data is from a range of years, specifically 2021 for Section 22 of the Scoping Report and 2022 for Section 23 of the Scoping Report, leading to inconsistencies. The MAU require the most up to date data, and Scottish Ministers draw the Applicant's attention to the references to data sources provided by MAU in its consultation response.

5.20.3 In its advice the MAU also note the interplay between the potential socio-economic effects, and the potential effects on population and human health are inextricably intertwined and as a result require that population and human health is scoped in.

5.20.4 Scottish Ministers concur with the MAU and require population and human health to be scoped in.

5.21 Major Accidents and Disasters

5.21.1 Section 24 of the Scoping Report addresses major accidents and disasters, identifying all living receptors and infrastructure within and around the site as sensitive during both demolition/construction and operational stages. The Applicant proposes to scope out potential effects, including water contamination, release of contaminants, severe weather events such as storms, flooding, marine and terrestrial transport accidents, and risks from fire or explosives. The rationale for scoping out is based on the proposal that the potential effect are assessed within the appropriate chapters.

5.21.2 Scottish Ministers note the reasons provided for the scoping out of major accidents and disasters within Section 24, many of these relate to these aspects being covered within other sections of the report. However, a question remains over whether the proposed assessment adequately controls the potential for major accident and/or disaster. Whilst Scottish Ministers concur with the proposal to scope out major accidents and

disasters, it recommends reference to a baseline, as recommended by IEMA, to make an appropriate assessment of risk, and this should be referred to within the reasons.

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 EIA 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 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This assessment must be coordinated with the EIA in accordance with the 2017 MW Regulations.

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 principle 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

DAY MONTH YEAR
Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
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