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Date: **26 January 2023**

Dear Mr Chan,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Thank you for your screening opinion request dated 8 November 2022 in regard to the proposed Colonsay Ferry Terminal upgrade, including installation of pile toe protection, new timber piles, capital dredging and sea deposit at Scalasaig, Colonsay (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(g) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Argyll and Bute Council (“the Local Authority”) and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

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The Proposed Works involve upgrades to the ferry terminal to facilitate future accommodation of a new vessel with deeper draught and higher displacement. Specifically, these include replacement of fenders and bollards, provision of gangways, installation of toe protection to existing piles, installation of new timber piles and capital dredging.

The installation of toe protection to existing piles is to mitigate the risk of the piles being undermined by dredging activity. It will take the form of concrete filled steel collars or concrete mattresses, which would replace the overburden on the pile toe.

New timber piles, where required, will be installed using a pile guide and will be driven into the seabed with a vibrohammer. They will be attached to the existing structures using steel brackets and fixings.

Dredging will be to 5.5m below Chart Datum. Approximately 7000m³ of dredged material will be removed using a backhoe dredger. Bedrock pre-fracturing would be undertaken by drilling and splitting with a CO₂ driven hydraulic breaker if required. Only non-explosive blasting methods would be used. It is anticipated at this stage that sea deposit of dredged material will be likely.

It is anticipated that works will begin in the second half of 2023 and will take approximately 12-18 months to complete. Work is anticipated to take place 24 hours a day, Monday to Sunday, to facilitate dredging works. Piling activity will be restricted to 0800-1800hrs Monday to Saturday and 0800-1200hrs on Sundays.

Location of the works

The Proposed Works are located on the east coast of the island of Colonsay in the Inner Hebrides upgrading the existing Colonsay Ferry Terminal located within the village of Scalasaig.

The Proposed Works are within the Inner Hebrides and the Minches SAC, designated to protect harbour porpoise (*Phocoena phocoena*).

The Proposed Works are within 5 km of:

- North Colonsay and Western Cliffs SPA (approximately 1.4 km northeast of the Proposed Development boundary), designated to protect breeding chough (*Pyrrhocorax pyrrhocorax*) and other seabird assemblages.
- Oronsay and South Colonsay SPA (approximately 1.4 km south of the Proposed Development boundary), designated to protect chough, corncrake (*Crex crex*) and various habitats.

The Proposed Works are 1.6 km to the west of Loch Fada SSSI, designated to protect freshwater habitats.

Scheduled monument Buaille Riabhach, Cairn and Standing Stones (SM5217) is located 790m west of the Proposed Works.

The Scottish Ministers note that a planning screening request was also submitted to Argyll and Bute Council on 22 November 2022 and is currently awaiting decision. In response to consultation on this screening request, Argyll and Bute Council advised that it did not consider the Proposed Works to be an EIA project.

Characteristics of the potential impact

The Scottish Ministers note that the ecological assessment in the EIA Screening Request concludes that there is likely to be no direct impact on the Loch Fada SSSI, North Colonsay and Western Cliffs SPA and Oronsay and South Colonsay SPA, due to distance from the site, a lack of direct hydrological connection and proposed mitigation. Consultation with NatureScot supports this assessment, but advises that Habitat Regulations Assessments (HRAs) should be completed for each site and included in any Marine Licence application.

The EIA Screening Request also concludes that there are potential impacts on Inner Hebrides and Minches SAC from timber piling, dredging works and the reinforcement of existing piles. Consultation with NatureScot supports this assessment and identifies the potential direct loss of habitat and disturbance from underwater noise. NatureScot agrees with suggested mitigation measures and advises that an EPS licence is applied for and a HRA completed. NatureScot agrees with the conclusion of the Screening Request that EIA is not required.

HES agreed that the Proposed Works are not likely to have an impact on the scheduled monument Buaile Riabhach, Cairn and Standing Stones (SM5217), of a level that requires consideration through the EIA process. HES recommend the development of an archaeological mitigation scheme and Protocol for Archaeological Discoveries for the construction programme to account for potential impacts on undesignated archaeological remains.

SEPA has advised that in relation to the aspects of the marine environment, it does not consider that an EIA is required for the Proposed Works.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Argyll and Bute Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Peter Sparrow

Marine Scotland - Licensing Operations Team