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Sent via email: [evonne.maxwell@rhdhv.com](mailto:evonne.maxwell@rhdhv.com)

Date: 07 February 2024

Dear Ms Maxwell,

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

Thank you for your screening opinion request dated 26 November 2024 in regards to the proposed construction of a aligning structure approximately 100 metres in length at Fishnish Ferry Terminal, Isle of Mull (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding criteria described in column 2 of schedule 2. 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 with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Argyll and Bute Council, 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**

The Proposed Works involve the construction of an aligning structure at Fishinish Ferry Terminal in order to improve the resilience of the port infrastructure to accommodate new electric vessels.

Whilst the design is still in development, it is anticipated that it will consist of a monopiled structure approximately 100 metres in length, and include a 1 metre wide steel walkway on top to facilitate maintenance access to a navigation light positioned at the end of the structure.

The structure will be located either to the west or the east of the existing slipway, with much of its extent located below Mean High Water Springs.

The Applicant proposes to implement a Construction Environmental Management Plan (“CEMP”) in support of the Proposed Works following all best practices for the construction activities.

Timelines for the Proposed Works have yet to be finalised.

## **Location of the works**

The Proposed Works are to be located at Fishnish Ferry Terminal. The Proposed Works are in close proximity to the Inner Hebrides and the Minches Special Area of Conservation (“SAC”) and Loch Sunart to the Sound of Jura Marine Protected Area (“MPA”), both within 100 metres of the Proposed Works.

NatureScot advised that the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC and other marine mammals could be subject to disturbance from underwater noise from piling associated with the Proposed Works. However, it is content that the works do not require an EIA and any potential effects resulting from the Proposed Works can be adequately addressed through the marine licensing process, including the production of the CEMP. It concluded that the Proposed Works are not capable of affecting the protected features of Loch Sunart to the Sound of Jura MPA.

## **Characteristics of the potential impact**

Argyll and Bute Council concluded that the Proposed Works do not constitute an EIA project and provided advice in its consultation response to be considered in the CEMP and the marine licence application.

SEPA considered that an EIA was not required in relation to its regulatory interests in the marine environment.

HES advised that the Proposed Works are unlikely to have impacts on its historic environment interests of a level that would require consideration through the EIA process.

## **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 Directorate - 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: <https://marine.gov.scot/>

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

Yours sincerely,

**Tom Inglis**  
Marine Directorate - Licensing Operations Team



# **ANNEX I – CONSULTATION RESPONSES**

## SEPA

**From:** Planning.North <Planning.North@sepa.org.uk>  
**Sent:** 23 December 2024 12:06  
**To:** MD Marine Licensing <md.marinelicensing@gov.scot>  
**Cc:** MD Marine Licensing <ms.marinelicensing@gov.scot>  
**Subject:** PCS-20004077 SEPA Response to SCR-0092

To Whom It May Concern,

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations  
2017  
SCR-0092  
Construction of an Aligning Structure  
Fishnish**

Thank you for the above consultation. In relation to our limit regulatory interests in the marine environment we consider that EIA is not required.

We need not be consulted further on this proposal but refer you to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

Kind regards,  
Susan Haslam  
Senior Planning Officer



**By email:**

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

Marine Directorate  
5 Atlantic Quay  
150 Broomielaw  
Glasgow,  
G2 8LU

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131 668 8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300077343  
Your ref: SCR-0092

09 January 2025

Dear Marine Directorate

## The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Construction of an Aligning Structure at Fishnish Screening

Thank you for consulting us on this Environmental Impact Assessment (EIA) screening request, which we received on 17 December 2024. This letter contains our comments for our historic environment interests. That is World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas.

The Argyll and Bute Council's archaeological and conservation advisors will also be able to offer advice on historic environment impacts. 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. In this case, you should contact West of Scotland Archaeological Service at [enquiries@wosas.glasgow.gov.uk](mailto:enquiries@wosas.glasgow.gov.uk).

### Proposed development

We understand that the proposed modifications to the existing Fishnish ferry terminal comprises the construction of an aligning structure, which consists of a monopiled structure of c. 100m in length with a 1m wide steel walkway on top of the structure leading to the navigation light positioned at the end of the structure.

### Our advice

We have reviewed the information received and consider the proposals unlikely to have impacts on our historic environment interests of a level that would require consideration through the EIA process.



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

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 Adrian Lee at [REDACTED]

Yours sincerely

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development And Economic Growth**  
Director: Kirsty Flanagan

**Marine and Coastal Development Unit**  
Municipal Buildings, Albany Street, Oban, Argyll, PA34 4AW  
E-mail: [REDACTED]  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Ref: SCR-0092

9<sup>th</sup> January 2025

Luke Frissung  
Marine Licensing Casework Officer  
Licensing Operations Team  
Marine Directorate  
Scottish Government  
Marine Laboratory  
Aberdeen  
AB11 9DB

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

**CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE MW EIA REGULATIONS**

**SCR-0092 - CMAL (per Royal HaskoningDHV) - Construction of an Aligning Structure - Fishnish**

Dear Mr Frissung,

Thank you for the above screening opinion consultation. Please note that planning permission may be required for the terrestrial elements of the proposed aligning structure. You would be advised to enquire at the local Argyll and Bute Planning Office as to whether planning would be required for this application. From a marine and coastal policy perspective, please refer to the information below for relevant comments from the Council’s Marine and Coastal Development Policy Officer.

Yours sincerely,

Lorraine Holdstock  
Marine and Coastal Development Policy Officer





## **Proposal**

The proposed modifications to the existing Fishnish ferry terminal will comprise the construction of an aligning structure. The design of the structure is still in development, as is the location on either the east or west of the slipway, however it is anticipated that the aligning structure will consist of a monopiled structure of around 100m in length. A 1m wide steel walkway on the top of the structure will enable maintenance access to the navigation light positioned at the end of the structure.

## **Overall screening opinion that relates to the marine and coastal environment**

The Applicant's Environmental Impact Assessment (EIA) Screening Report is welcomed. It is the Officer's opinion that the proposed development does not constitute an Environmental Impact Assessment (EIA) as defined under Schedule 2 of the EIA Regulations.

1. The proposal must conform to all relevant National Planning Framework 4 (NPF4) policies, Local Development Plan 2 (LDP2), National Marine Plan (NMP) policies and detailed guidance as stipulated below.
2. The Applicant is to develop submit to the Marine Directorate (MD) their Construction Environmental Management Plan (CEMP), with Method Statement before all works commence. The CEMP must include full details of the proposed construction programme; duration of the construction and operation phases. The proposal will need to consider any mitigation techniques during the works, and to ensure continued safe access / egress during this time. I further recommend that a precautionary approach be undertaken for the duration of works.
3. The Applicant is to conduct a Habitats Regulations Appraisal (HRA) as advised by NatureScot to ensure that potential impacts to harbour porpoise are mitigated against from the effects of piling and underwater construction noise. The Applicant is to apply for a European Protected Species (EPS) Licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover potential disturbance to harbour porpoise and basking sharks.
4. The Applicant is to conduct and submit an otter survey as stipulated by NatureScot to confirm the presence/absence of otter holts.
5. The Applicant is to include a Noise Method Statement within their CEMP, which outlines the works timing, duration and expected noise levels. The Noise Method Statement should detail potential Likely Significant Effects (LSEs) prior to works being commenced. It will be important for the Applicant to demonstrate that any generated underwater noise, particularly from piling will be minimal and mitigated against during site development.
6. The Applicant is to develop and submit to the MD a Biosecurity Management Plan (BMP) and use mitigation measures in line with the Scottish Government Code of Good Practice on Non-Native Species.
7. The Applicant is to develop and submit to the MD a Site Waste Management Plan (SWMP), with appropriate mitigation measures. The SWMP must detail how waste materials will be dealt with.
8. To avoid potential impacts on sensitive habitats, best practice pollution prevention measures to be adhered to at all times, as stipulated below.
9. To avoid negative impacts upon the water environment, all works must be undertaken in accordance with the Scottish Environment Protection Agency (SEPA) General Binding Rules. This should include details of best practice working methods to ensure no silt run-off.
10. All works to be undertaken in accordance with the SEPA Guidance for Pollution Prevention (GPP) documents, to ensure that the waterbodies and marine environment within the



survey area are not adversely impacted by the proposed works. This includes *Understanding your environmental responsibilities – good environmental practices: GPP 1, Above ground oil storage tanks: GPP 2 and Works and maintenance in or near water: GPP 5*. Refer to the following link: [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#).

### **Effect on nature conservation interests/Ecological Impacts**

- The proposal is immediately adjacent to the Inner Hebrides and the Minches Special Area of Conservation (SAC), designated for harbour porpoise (*Phocoena phocoena*) and the Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area (NCMPA), partly designated for Flapper skate (*Dipturus intermedius*).
- Given that the Sound of Mull is an important migratory route for cetaceans, particularly harbour porpoise, and basking sharks, the Applicant will need to conduct a Habitats Regulations Appraisal (HRA) as advised by NatureScot to ensure that potential impacts to harbour porpoise are mitigated against from the effects of piling and underwater construction noise.
- The Applicant is to apply for a European Protected Species (EPS) Licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover potential disturbance to harbour porpoise and basking sharks.
- The Applicant is further advised to use soft starts, and Marine Mammal Observers (MMO) for the duration of the works. I would advise that the following guidance be adhered to; The Protection of Marine European Protected Species from Injury and Disturbance - Guidance for Scottish Inshore Waters (July 2020). The document is on the following web link:
  - <https://www.gov.scot/publications/marine-european-protected-species-protection-from-injury-and-disturbance/>.
- The Applicant is to conduct an ecological survey for otters, and if identified apply for a European Protected Species (EPS) Licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover possible disturbance to otters and otter holts.

### **Impacts on water quality**

- Engineering works that includes the removal of sediment, gravel and boulders can cause damage and contamination to the water environment. It will be important for the Applicant to adhere to good practice measures for working immediately alongside the water during the construction phase, and should aim to avoid siltation, debris, minimise unchecked contaminated run-off, including diesel and hydraulic spillages into the marine environment, and avoid any poured concrete or bitumen spillages. All debris must be removed from the site and disposed of appropriately.
- It will be important that the Applicant detail mitigation measures within their CEMP and Marine Licence application respectively.

The Applicant must:

- Install silt interception traps, where appropriate to minimise/avoid unchecked contaminated run-off during construction;
- Secure fuels, oils and other chemicals securely within the site construction compound;
- Have appropriate wash-out facilities available for vehicles and machinery;
- Cover trenches and excavations at the end of each working day;
- Adopt pollution prevent strategies for potential diesel, hydraulic and battery spillages into the environment (marine & shoreline).
- It is advised that the Applicant develop appropriate mitigation measures and



follow Pollution Prevention Guidelines located on the NetRegs and SEPA web links respectively:

- <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>
- <https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf>
- <https://www.netregs.org.uk/environmental-topics/water/>
- <https://www.sepa.org.uk/regulations/water/guidance/>.

### **Invasive Non-Native Species (INNS)**

- In addition to the Invasive Non-Native Species (INNS) identified by the Applicant, vessel movements also have the potential to introduce INNS into the waters and coastline of Argyll. These can include the carpet sea squirt (*Didemnum vexillum*), the leathery sea squirt (*Styela clava*), and wireweed (*Sargassum muticum*). As a result, the Applicant is to provide a Biosecurity Management Plan (BMP) and submit it before development work commences. The BMP should detail good practice methods to avoid and limit the introduction and spread of INNS that relate to vessel movements in particular.

### **Landscape and Visual Impacts**

- The proposal is situated within the Mull Countryside Area under the Local Development Plan 2.
- The works should respect the character and appearance of the surrounding area, and be consistent with the relevant Argyll and Bute Landscape Capacity Assessment.
- As these works will be temporary in nature, visual impacts will also be temporary.

### **Interaction with other activities**

- The Council is required to protect public access rights to and along the foreshore for all non-motorised users. Where there is a structure that will obstruct access along a foreshore or loch side, a reasonable means of passing by the obstruction should be provided to allow the public to exercise their right of access along the shore.
- It is considered that the proposed construction will not result in any significant access rights or conflicts with other marine and coastal users.
- The works should be marked according to advice from the Northern Lighthouse Board.

### **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**

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
  - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
  - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 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.

#### **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 \(argyll-bute.gov.uk\)](https://www.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 42 – Safeguarding Piers, Ports and Harbours;**
  8. **Policy 56 – Land Erosion;**
  9. **Policy 59 – Water Quality and the Environment;**
  10. **Policy 63 – Waste Related Development and Waste Management;**
  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 appears to 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, and
  - GEN 14 Air quality.

In addition, the proposal appears to be consistent with TRANSPORT 1, TRANSPORT 3, TRANSPORT 4, and TRANSPORT 5.



By email: [REDACTED]

Luke Frissung  
Marine Licensing Casework Officer  
Licensing Operations Team  
Marine Directorate  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9DB

29 January 2025  
Your ref: SCR-0092  
Our ref: CEA178368

Dear Luke

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

**CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE MW EIA REGULATIONS**

**SCR-0092 - CMAL (per Royal HaskoningDHV) - Construction of an Aligning Structure – Fishnish**

Thank you for consulting us on the above proposal dated 17 December 2024.

This is a request to provide a screening opinion as to whether construction of an aligning structure (hereafter referred to as "the proposal") at Fishnish ferry terminal, as part Caledonian Maritime Assets Ltd (CMAL)'s Small Vessel Replacement Programme (SVRP), is an EIA project as defined in the MW EIA Regulations.

We agree with the conclusion in the screening report that an EIA is not required and have the following comments to make regarding the ecological interests potentially impacted.

## Designated Sites

Inner Hebrides and the Minches Special Area of Conservation (SAC)'s, harbour porpoise (*Phocoena phocoena*) protected interest could be subject to disturbance from the potential impact of the proposal in relation to underwater noise resulting from piling. Other marine mammals could also be impacted by this possible disturbance and, as such, we agree that a European Protected Species (EPS) license to disturb marine mammals should be applied for. We advise that a Habitat Regulations Appraisal (HRA) for harbour porpoise in the Inner Hebrides and the Minches SAC should be carried out, to support this licence application. It is likely that a marine mammal observer will be required during the piling.

Our advice is that the proposal is not capable of affecting the protected features of Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area (NC MPA), either directly or indirectly. Further assessment is, therefore, not required.

There is no evidence to suggest that the flapper skate is impacted by underwater noise. Flapper skate are unlikely to be in the vicinity of the development since the water here is quite shallow and flapper skate have an affinity with deep (100m+) glaciated channels on the seabed. In the event that a flapper skate is in the vicinity of the piling and is impacted by the noise it is likely to move away and return later, when the piling is complete.

Morvern Woods SAC, Inninmore Bay Site of Special Scientific Interest (SSSI) and Loch Aline SSSI are unlikely to be impacted, due to their distance from the proposal.

## European Protected Species

As mentioned above marine mammals in addition to harbour porpoise could be disturbed by the proposal, so the application for an EPS licence to disturb marine mammals should cover the following species:

- harbour porpoise
- bottlenose dolphin (*Tursiops truncatus*)
- short-beaked common dolphin (*Delphinus delphis*)
- minke whale (*Balaenoptera acutorostrata*)
- otter (*Lutra lutra*)

## Priority Marine Features (PMFs)

Basking shark (*Cetorhinus maximus*) could be subject to disturbance from the potential impact of the proposal in relation to underwater noise resulting from piling. In addition to being a PMF, the



basking shark is listed on the Wildlife and Countryside Act 1981 (as amended) and so the applicant needs to apply for a basking shark licence. More information is available here:  
<https://www.nature.scot/plants-animals-and-fungi/fish/sea-fish/basking-shark>.

The potential mitigation named in the screening report looks promising and we will be happy to discuss this further as plans become more detailed.

Please do contact me, should you wish to discuss the contents of this response.

Yours sincerely

**Nicola Hunter**

Operations Officer - Operations West

