

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



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

Ref: SCR-0119 – Screening Request – Sand Removal – Blackmill Bay, Isle of Luing, Argyll

11 February 2026

Gerry Millar
Marine Licensing Casework Manager
Marine Directorate
Scottish Government
Atlantic Quay, Glasgow G2 8LU

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

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

Thank you for consulting the Marine and Coastal Development Officer on the above Screening Opinion. From a marine Planning Policy perspective, it is the Officer’s opinion that the proposed works in the marine environment do not constitute an EIA project as defined in the EIA Regulations. From a marine planning perspective, I have however enclosed relevant comments and recommendations below.

Yours sincerely

Lorraine Holdstock
Marine and Coastal Development Policy Officer



Overall Screening Opinion

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 on this occasion. I do however question the frequency of the proposed beach sand extraction. Is the Applicant intending to undertake annual or future beach sand extractions for the same purpose? If this were to be the case, the Applicant would need to demonstrate that there would not be any adverse effects to beach erosion and accretion.

Furthermore, the proposal will require to be consistent with comments from Argyll and Bute Council's Planning and Enforcement Officer on the 19.11.25, reference: Ardlarach Livestock handling yard <25/00204/ENOTH2>. "The extraction of the sand from the beach benefit from Class 19 permitted development rights on the basis that the sand is not moved to any place outwith the land from which it was extracted, except to land which is held or occupied with the land and is used for the purposes of agriculture. I must point out that any proposed equestrian use which this sand may be intended to be used for would result in the sand extraction not being permitted under Class 19 permitted development rights."

The proposal must also conform to all relevant National Planning Framework 4 (NPF4) policies, Local Development Plan 2 policies, National Marine Plan Policies, and in particular those highlighted below.

National Planning Framework 4 (NPF4)

- The proposed development will need to be consistent with the NPF4 and in particular take account of Policy 3: Biodiversity; Policy 4: Natural places; Policy 10: Coastal Development; and Policy 12: Zero waste.

Marine Planning Policy

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

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 - February 2024. In particular:

1. **Policy 73 – Development Impact on Habitats, Species and Biodiversity;**
2. **Policy 74 – Development Impact on sites of international importance.**





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By email to: md.marinelicensing@gov.scot
Gerry Millar
Marine Licensing Casework Manager
Marine Directorate (Glasgow)

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

Our case ID: 300085194
Your ref: SCR-0119
19 February 2026

Dear Gerry Millar

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 SCR-0119 – Screening Request – Sand Removal – Blackmill Bay, Isle of Luing, Argyll

Thank you for consulting us on this Environmental Impact Assessment (EIA) screening request, which we received on 11 February 2026. 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 relevant local authority 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.

Our advice

We have reviewed the information provided and have no specific comments to make on the requirement or otherwise for an EIA for this proposed development. From 1 January 2025, we no longer provide advice on undesignated underwater cultural heritage. This includes the preparation of documents for post-consent activities including Written Schemes of Investigation or Protocols for Archaeological Discoveries. For EIA projects, you must ensure that you have access to sufficient expertise to examine the EIA Report in accordance with the relevant regulations.

Further information

Decisions that affect the historic environment should take the [Historic Environment Policy for Scotland \(HEPS\)](#) into account as a material consideration. HEPS is supported by our [Managing Change guidance series](#).

We 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 consultation mailbox, hmconsultations@hes.scot.

If you have questions about this response, please contact Jessica Malone at jessica.malone@hes.scot.

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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Yours sincerely

Historic Environment Scotland

From: informed@planning.nature.scot
To: [MD Marine Licensing](#)
Cc: [Redacted]
Subject: SCR-0119 - Sand Removal - Blackmill Bay, Isle of Luing - NatureScot comments
Date: 11 March 2026 17:10:31

Good afternoon,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS**

SCR-0119 - Sand Removal - Blackmill Bay, Isle of Luing

Thank you for your consultation dated 11 February 2026, requesting comments on the above screening consultation. I apologise for the delay in getting back to you.

1. Summary

An EIA is required for Schedule 2 works which are those of a description in Schedule 2 of the relevant regulations, which meet or exceed any threshold or criteria in the schedule or are located in a 'sensitive area' such as a Special Area of Conservation (SAC), Special Protection Area (SPA), a Site of Special Scientific Interest (SSSI), Marine Protected Area (MPA) or a National Scenic Area (NSA).

There are natural heritage interests of international importance on the site, but our advice is that these will not be adversely affected by the Proposal.

Our advice is that the Proposal will not have a significant effect on the environment as defined by EIA Regulations for interests within our remit, as detailed below.

2. Appraisal of Impacts on Natural Heritage Interests

2. 1 Firth of Lorn Special Area of Conservation (SAC)

The Proposal is located within the Firth of Lorn SAC, designated for reefs.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Marine Directorate is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>.

Our advice is that this Proposal is likely to have a significant effect on the qualifying

interest of the SAC. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest.

To help you do this we advise that based on the appraisal carried out to date, our conclusion is that the Proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the Proposal on the following factors:

There is a risk that the sand extraction could increase sedimentation on the adjacent reef feature, which is present in the bay. However as the works are highly localised and short term (2-5 days), this will not result in an adverse effect on the site integrity of the SAC. Should the methodology or timescales change, or the proposed extraction volume increase, then this conclusion may change and we would ask to be reconsulted at that stage.

2.2 Inner Hebrides and the Minches SAC

The Proposal is located immediately adjacent to the Inner Hebrides and the Minches SAC, designated for its harbour porpoise feature.

As above, the sites status means that Marine Directorate is required to consider the effect of the Proposal on the SAC before it can be consented.

Our advice is that it is unlikely that the Proposal will have a significant effect on the qualifying interest either directly or indirectly. An appropriate assessment is therefore not required. This is because no loud underwater noise is proposed as part of the works.

2.3 Loch Sunart to the Sound of Jura Nature Conservation Marine Protected Area (NC MPA)

The Proposal is located immediately adjacent to Loch Sunart to the Sound of Jura NC MPA, designated for flapper skate and Quaternary of Scotland.

The site's status means that the requirements of the Marine (Scotland) Act 2010 apply. Consequently, Marine Directorate is required to consider the effect of the Proposal on the NC MPA before it can be consented.

Our advice is that the Proposal is not capable of affecting the protected features of the NC MPA either directly or indirectly. Further assessment is therefore not required. This is because neither feature is located near the works area.

2.4 Protected Species

European Protected Species may be present such as otters. Pre-work checks should be

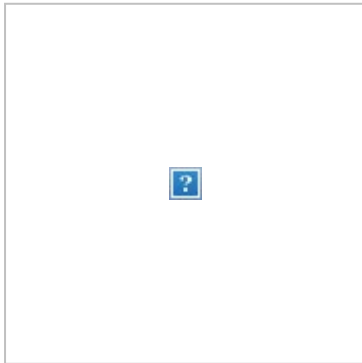
carried out to ensure that the Applicant is satisfied that no disturbance impacts to otters will occur as a consequence of the works. If found onsite, more thorough surveys may be required to prevent disturbance, and mitigation measures agreed. Further guidance is available within our standing advice: <https://www.nature.scot/doc/standing-advice-planning-consultations-otters>

If you require any further information or advice at this stage, please do not hesitate to contact me.

Kind regards,

Esther

Please note that the InformedDECISION platform will be unavailable on the 18th of March.



NatureScot is the operating name of Scottish Natural Heritage

From: [Planning.North](#)
To: [MD Marine Licensing](#)
Cc: [Redacted]
Subject: PCS-20007986 SEPA Response to SCR-0119
Date: 11 February 2026 15:31:58
Attachments: [image.png](#)

To Whom It May Concern,

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCR-0119 - sand removal, Blackmill Bay, Isle of Luing

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

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

from
Nina Caudrey
Senior Planning Officer



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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhàd le bhith cur post-d gu postmaster@sepa.org.uk. Togalach Aonghais Mhìc a' Ghobhainn, 6 Craobhraid Parklands, Eurocentral, Baile a' Chuilinn, Siorrachd Lannraig a Tuath, ML1 4WQ. Faodar conaltradh còmhla ri SEPA a sgrùdadh no a chlàradh no a sgaoileadh gus obrachadh èifeachdach an t-siostaim a ghlèidheadh agus airson adhbharan laghail eile.