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Dear Peter,

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

Thank you for your screening opinion request dated 18 June 2021 in regards to the redevelopment at Kennacraig Harbour, including construction of a steel combi piled wall, capital dredging and sea deposit of dredge material (“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 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, or are not, 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 take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

The Proposed Works are located at Kennacraig Ferry Terminal in West Loch Tarbert, and are required to accommodate a new larger but more efficient ferry on the Port Ellen to Kennacraig route. They include the construction of a new 74.5m piled wall along the length of the landward structures, and replacing the existing MV fender units with new parallel motion fenders supported on tubular piles.

The wall will be built in front of the current wall, using a series of tubular king piles which will be set into the rock, with sheet piles driven into place between the tubular piles. The gap between the new wall and the old wall will then be infilled with imported granular material, the king piles anchored and a concrete cope cast on top. The installation of piles will last 22 weeks, the backfill will take 14 weeks, installing the anchors will take 11 weeks and the casting of the concrete cope will take 14 weeks. Some of these actions can be carried out simultaneously.

The replacement of the MV fender units will involve the removal of 4 existing steel fender piles and the installation of 6 new fender piles. These will be installed along the length of the existing pier over a period of 6 weeks. To support the new fender piles, two strong points are required which will include two tubular steel piles, located within the footprint of the existing open pier. This piling will take 4 weeks to complete. A concrete shell will be positioned on top of the piles, rock anchors installed and a concrete cap poured in the shell.

In addition, the Proposed Works will include dredging approximately 9,150m³ soft soil and 150m³ hard rock material to increase the depth from the current -4.6m CD (Chart Datum) to -5.5m CD. Whilst the soft soil will likely be plough dredged, the hard rock will either be deposited at sea or in landfill. There may be the need to pre-fracture the rock before it can be dredged. Explosives will only be used if other methods such as predrilling and cardox are not suitable and further assessment, including noise modelling, will be undertaken and mitigation agreed should the use of explosives be required. It is anticipated the dredging campaign will take 7 weeks.

The Proposed Works are anticipated to last approximately 36 weeks in total.

Location of the works

The Proposed Works are located partially (0.6 hectares) within the Sound of Gigha Special Protection Area (“SPA”) which is designated for non-breeding birds: eider (*Somateria mollissima*), great northern diver (*Gavia immer*), red-breasted merganser (*Mergus serrator*) and Slavonian grebe (*Podiceps auritus*). The screening opinion request identified that the qualifying interests of the SPA could be affected by noise, particularly piling, and lighting from the construction works and potential modification to benthic habitats from dredging. No piling will take place within the Sound of Gigha SPA. Mitigation including soft start to noisy activities will be used and works are expected to be carried out during daylight hours as far as possible which will limit the requirement for lighting.

NatureScot agreed that the Proposed Works could have a likely significant effect on the Sound of Gigha SPA. NatureScot advised that an updated Habitat’s Regulations Appraisal (“HRA”) submitted alongside any marine licence application should be informed by a desk based study of wintering SPA birds. In addition, NatureScot identified the potential for disturbance from vessel movements and noted that this should be considered in an updated HRA and additional mitigation identified if dredging is required during sensitive periods including the post moult flightless period for eiders. NatureScot also noted the high sensitivity of red-breasted mergansers to noise however they agreed that the mitigation proposed is acceptable. The Scottish Ministers advise you to engage in further pre-application

discussions with NatureScot to ensure that all of the required information is included in an updated HRA to support any marine licence application.

The Inner Hebrides and the Minches Special Area of Conservation (“SAC”) is located 8.9km to the south west of the Proposed Works at the mouth of the loch. It is designated for harbour porpoise (*Phocoena phocoena*). NatureScot advised that there will be a likely significant effect on this site from the piling which could cause disturbance to harbour porpoise. Without detailed sound propagation modelling, NatureScot cannot predict zones of disturbance. However given the location in West Loch Tarbert, the temporary nature of the works, the distance to the SAC and the small portion of the site which will be affected, NatureScot deem it reasonable to conclude that there is unlikely to be an adverse effect on site integrity. Argyll and Bute Council agreed with NatureScot regarding the potential impact of the piling on cetaceans. It requested further details (see Appendix I) to be provided with any marine licence application and advised that as good practice, piling works should be undertaken outwith the months of May to August to ensure calving and feeding cetaceans are not disturbed. Argyll and Bute Council also highlighted the importance of the area as a key migratory route for cetaceans and basking sharks and refer you to the Joint Nature Conservation Committee guidance for piling which should be adhered to.

NatureScot also advised that the whilst the screening opinion request does not make reference to cetacean species as European Protected Species (“EPS”), in their opinion, even with the mitigation in place there is a risk of disturbance and as such, an EPS licence may be required.

Otters, another EPS, may also be present in the area around the Proposed Works however you have proposed to carry out an otter survey prior to works commencing to inform any mitigation and licensing requirements. This approach is supported by Argyll and Bute Council.

NatureScot advised there will be no impacts on the Tarbert Woods Special Area of Conservation or the Knapdale Lochs SPA as a result of the Proposed Works.

NatureScot also advised that native oyster and blue mussel beds which are priority marine features have been recorded within 700m of the site. Native oysters have a high sensitivity to low levels of siltation (up to 5cm) however, given the distance between the Proposed Works and the closest records of these species, NatureScot advised that the risk is low. However further information regarding the dredging methods should be provided with any marine licence application along with further assessment of the impacts of the dredging on native oyster and blue mussel beds.

NS concluded that in as far as its remit is concerned, it considers that any significant environmental effects are unlikely and, as such, NatureScot does not consider that an EIA is required in order to assess the relevant environmental considerations. It is content that the potential issues highlighted can be addressed through the submission of further information, including an updated HRA, in support of any marine licence application.

Argyll and Bute Council advised that Inner West Loch Tarbert and West Loch Tarbert: Loup Bay are designated as shellfish harvesting areas for the production of Pacific oysters. There are two Pacific oyster farms in operation within the loch, details of which can be found in the Argyll and Bute Council consultation response in Appendix I. You should consult with the operator of the farms to ensure that any impacts of the Proposed Works can be minimised.

There are two heritage sites located within the boundary of the Proposed Works, the Eilean Araiach Mhoir dun and the wreck of an unknown barge. However, HES advised that they do

not consider that there would be significant impacts on these heritage assets as a result of the Proposed Works and that they agree with the conclusions of the screening opinion request that any environmental impacts will be minimal.

Characteristics of the potential impact

Argyll and Bute Council advised that West Loch Tarbert has an overall water body status of good and that a Water Framework Directive assessment would be helpful to assess possible effects from the Proposed Works. However, they go on to advise that dredging impacts are likely to be localised and minor in nature. Although localised, siltation and pollution may occur, and thus Argyll and Bute Council advised that the SEPA Pollution Prevention Guidelines should be followed and additional mitigation such as a silt boom should be considered.

Argyll and Bute Council also advised that it is unlikely that the Proposed Works will result in significant adverse landscape and visual impacts, impacts to other marine and coastal users or to safe navigation or recreational boating.

In relation to noise and vibration, Argyll and Bute Council advised that mitigation measures should be deployed during the construction phase however these can be detailed and agreed in a Construction Environment Management Plan as part of any marine licence application.

SEPA advised that they do not consider it necessary to undertake an EIA for the Proposed Works however a biosecurity plan should be prepared and submitted alongside any marine licence application. SEPA provides further guidance on the content of the plan in its consultation response in Appendix I which you should refer to.

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 [Kennacraig Harbour Repairs | Marine Scotland Information](#) website.

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

Yours sincerely

Thomas Inglis
Marine Scotland - Licensing Operations Team