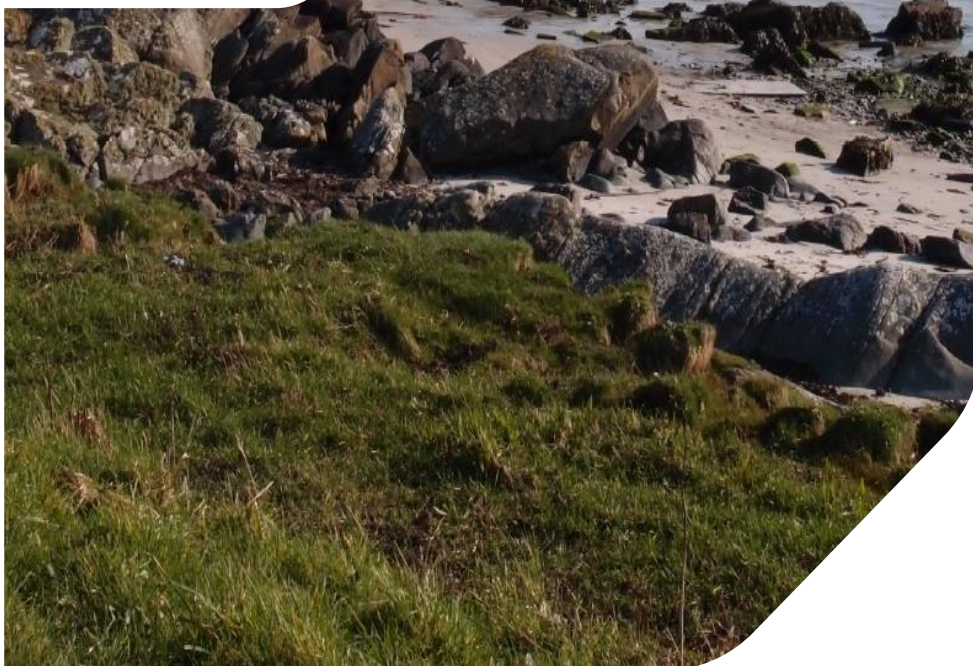


# GIGHA AND TAYINLOAN BREAKWATERS AND OVERNIGHT BERTHING

Marine Licence Supporting Information



794-NI-WAE-02250  
18 July 2024

## Contents

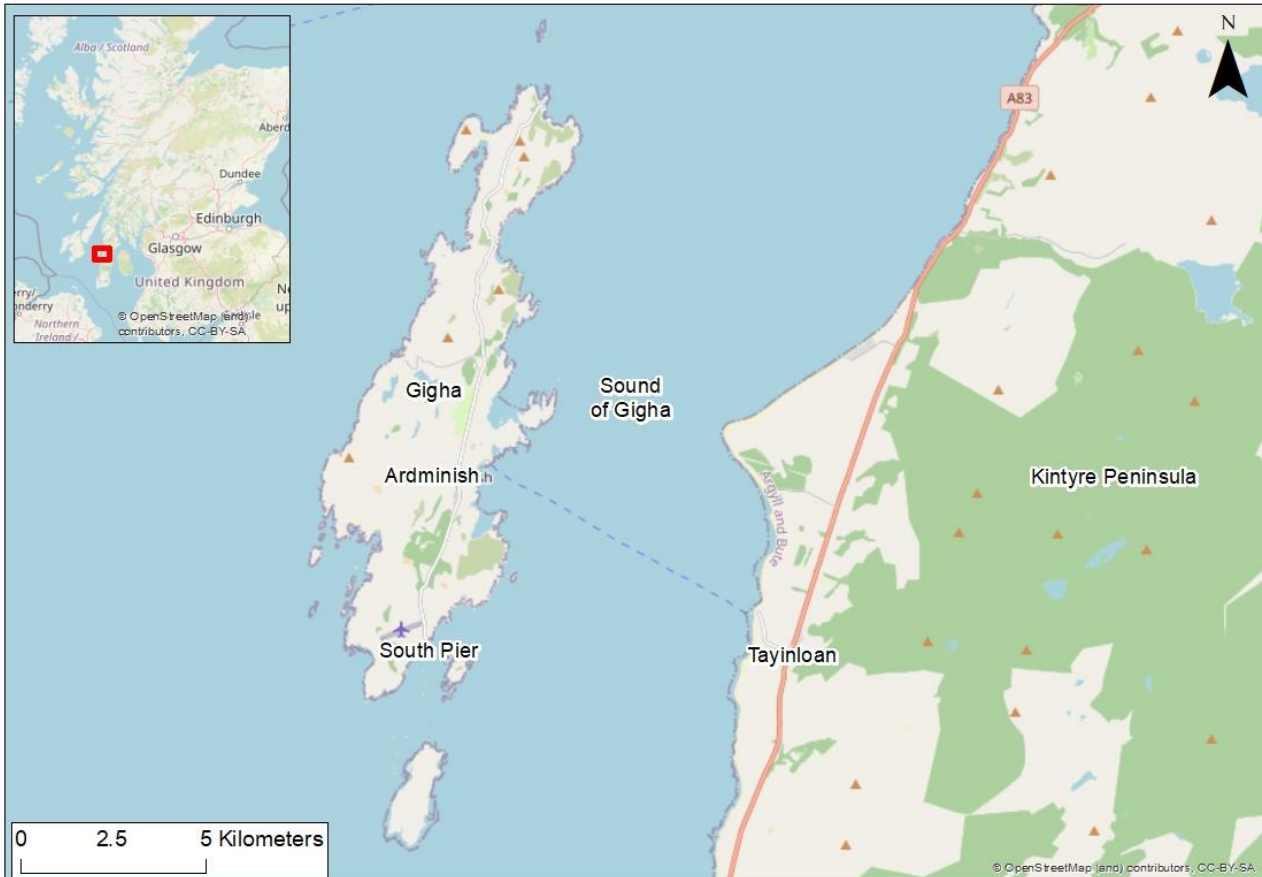
<b>1</b>	<b>DESCRIPTION OF WORKS</b> .....	<b>1</b>
1.1	Existing Historical Information .....	2
<b>2</b>	<b>REQUIREMENTS</b> .....	<b>6</b>
2.1	Objective .....	6
2.2	Scope of Work.....	6
2.2.1	Vibrocore Schedule .....	10
2.2.2	Borehole Schedule .....	11
2.2.3	Grab Sample Schedule.....	13
2.2.4	Geophysical Investigations Schedule .....	14
2.3	Consultations .....	15

## Figures

Figure 1-1	Overview map of the Proposed Development location .....	1
Figure 1-2	Gigha (Ardminish Bay) seabed isopachyte drawing comparison between July 2023 and August 2020 .....	3
Figure 1-3	Tayinloan seabed isopachyte drawing comparison between July 2023 and August 2020 .....	4
Figure 1-4	Existing GI data at Tayinloan .....	5
Figure 2-1	Proposed Investigation Works Summary .....	7
Figure 2-2	Proposed Investigation Works at Gigha (Ardminish Bay) .....	8
Figure 2-3	Proposed Investigation Works at Tayinloan.....	9

# 1 DESCRIPTION OF WORKS

The Isle of Gigha (Gigha) is located off the west coast of the Kintyre Peninsula on the west coast of Scotland and is separated from the mainland by the Sound of Gigha, a shallow channel of clear water approximately 5 kilometres wide. Tayinloan is located to the east of Gigha, on the Scottish mainland, across the Sound of Gigha, shown in Figure 1-1.



**Figure 1-1 Overview map of the Proposed Development location**

Ardminish is the sole village on the Isle of Gigha. Caledonian MacBrayne (CalMac) operate a year-round timetabled ferry service from Ardminish, linking Gigha to Tayinloan on the Kintyre Peninsula. This island is one of several coastal areas in Scotland and Northern Ireland which have been involved in the planned introduction of larger, hybrid ferries, through the Small Ferries Project<sup>1</sup>, which are considered necessary to meet the expected growth in demand for identified ferry routes.

The proposed development consists of the construction of a pier/breakwater to provide overnight berthing facilities at Gigha (Ardminish), and a breakwater extension at Tayinloan.

Dredging works will be required at both locations to accommodate the larger draft of the hybrid ferries. This may include rock breaking, due to the proximity of rock to the surface in the area.

Proposed ground investigations and surveys are required to inform the:

- Preliminary and detailed engineering design of the proposed development, including form and location. Caisson or piled structures being considered at present.
- Environmental assessments of the location to consider the impacts of the proposals, and facilitate an EIAR to support planning and marine licensing applications for the proposed development.

<sup>1</sup> <https://www.cmassets.co.uk/project/small-ferries-project/>

## 1.1 Existing Historical Information

Aspect Land and Hydrographic Surveys collected bathymetry data for Gigha and Tayinloan in August 2020 and July 2023 through a multibeam bathymetric survey.

In addition to bathymetric data, Ground Investigation (GI) data was collected at Tayinloan by Fugro in 2010. These include:

### Marine GI

- Five Cone Penetration Test locations,
- Five vibrocore locations,
- Laboratory analysis, including: water content, bulk density, particle size distribution, maximum and minimum density and internal angle of friction.

### Land GI

- Eight light cable tool percussion boreholes, two with rotary follow on,
- 14 trial pits.

Comparison of bathymetric data between the two time periods is illustrated in Figure 1-2 (Gigha) and Figure 1-3 (Tayinloan). Existing GI data is illustrated in Figure 1-4.

Given the changes to the proposed structure at Tayinloan since the previous GI, the time passed since any environmental sampling, and the lack of available data for Gigha, more recent data is required.

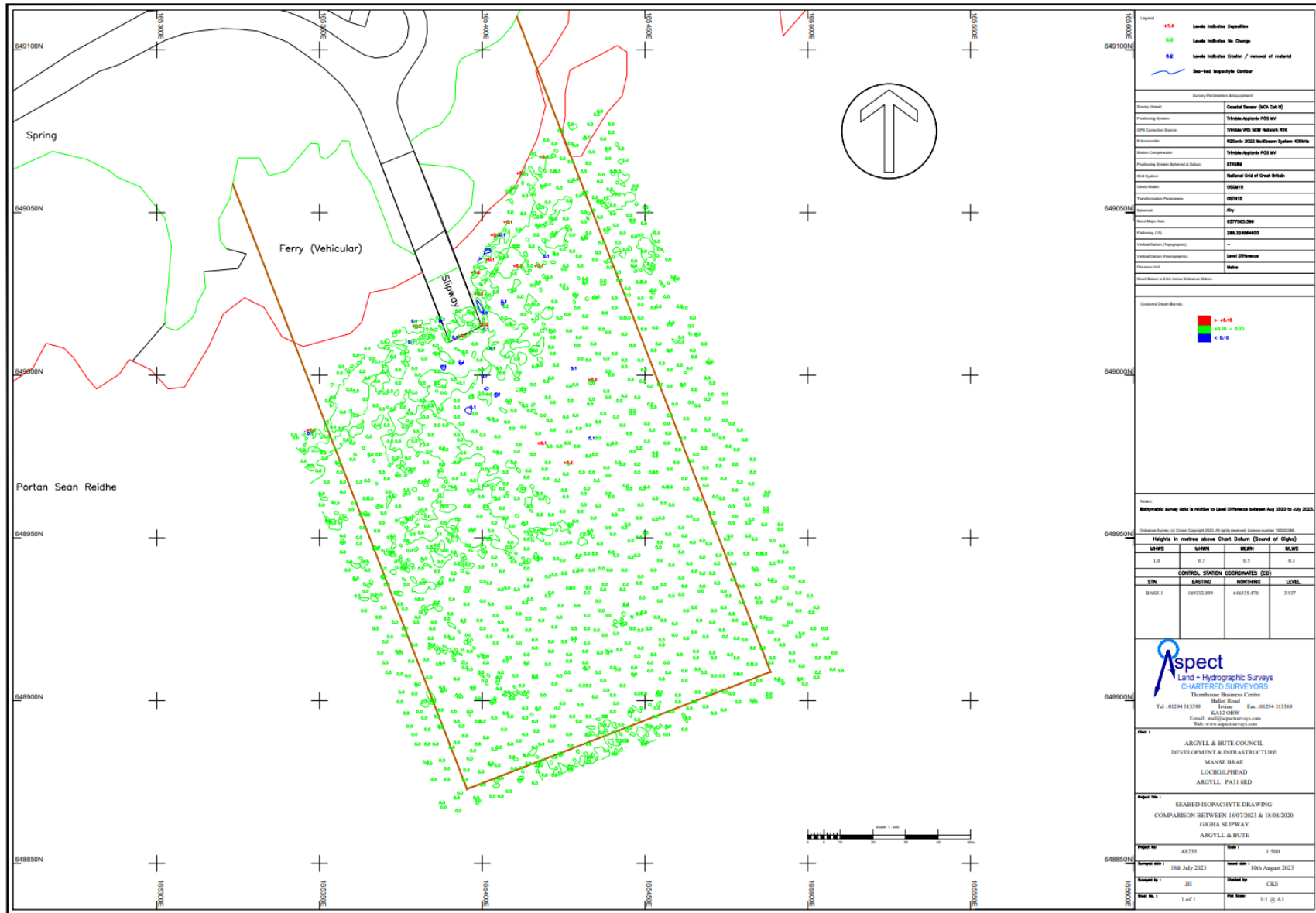


Figure 1-2 Gigha (Ardminish Bay) seabed isopachyte drawing comparison between July 2023 and August 2020



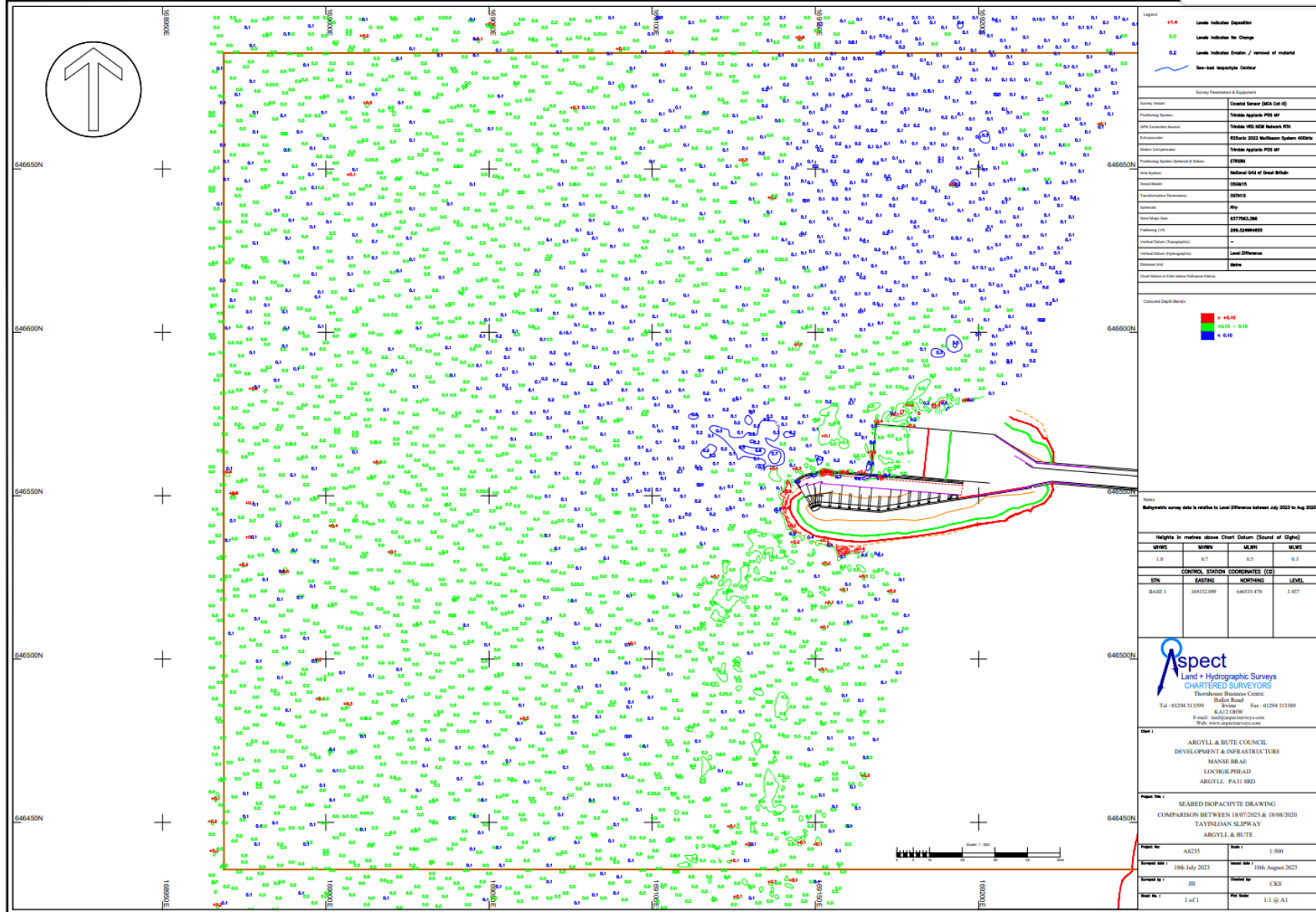


Figure 1-3 Taynloan seabed isopachyte drawing comparison between July 2023 and August 2020

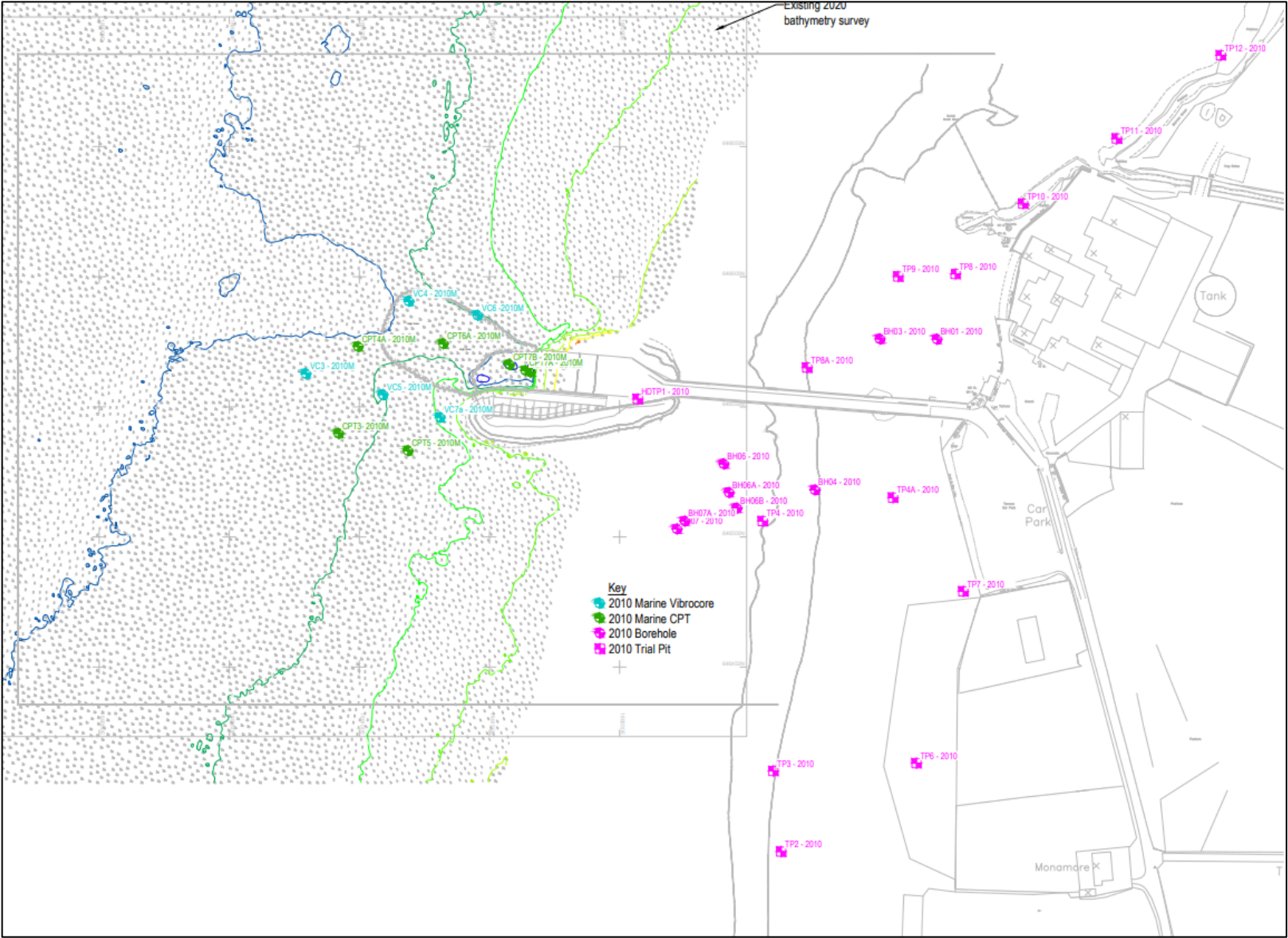


Figure 1-4 Existing GI data at Tayinloan

## 2 REQUIREMENTS

### 2.1 Objective

The aim of the ground investigation and surveys is to provide information on the:

- Ground profile for the various elements of the works including its:
  - suitability for piled or ground bearing foundations,
  - suitability for dredging, disposal at sea and/or reuse as fill,
- Profiling the natural deposits at the breakwater extension, overnight berth and within the dredge pocket,
- Bottom profiling to provide updated bathymetry for computational modelling of the baseline environment and proposed development. Informing the impact of the development on hydraulics, sediment transport, waves and harbour disturbance effects.
- Benthic ecology, cultural heritage and contamination for input to environmental assessments.

### 2.2 Scope of Work

Table 2-1 outlines the scope of work required across Ardminish Bay (Gigha) and Tayinloan. Sampling is required in the form of:

15 Grab Samples; 7 Vibrocores; and 11 Boreholes for geotechnical, geoenvironmental and benthic analysis.

Geophysical surveys (Bathymetric and sub-bottom profiling) and Side scan sonar and Magnetometer surveys are also proposed.

Geotechnical laboratory testing is required to characterise the ground conditions.

Physico-chemical laboratory testing is required for the assessment of the potential risk to human health and the water environment.

Biological sampling is required to inform the EIAR associated with the proposed development.

**Table 2-1 Scope of Work**

Type of Test	Number of tests	Location	Sampling and Testing
Grab Sample	7	Ardminish Bay	5 physical and 4 benthic
Grab Sample	8	Tayinloan	4 physical, 3 benthic and 3 chemical
Vibrocore	7	Ardminish Bay	7 physical and 3 chemical
Borehole	6	Ardminish Bay	6 physical
Borehole	5	Tayinloan	2 physical
Bathymetric Survey	124ha	Ardminish Bay	
Bathymetric Survey	74ha	Tayinloan	
Geophysical Survey (Bathymetric and sub-bottom profiling), Side scan sonar and Magnetometer surveys	6ha	Ardminish Bay	
Geophysical Survey (Bathymetric and sub-bottom profiling), Side scan sonar and Magnetometer surveys	5ha	Tayinloan	
Drop down video	4	Ardminish Bay	
Drop down video	3	Tayinloan	

The locations of the proposed investigations works are illustrated in Figure 2-1 to Figure 2-3. Detailed information on the methodology is provided in Sections 2.2.1 to 2.2.3.



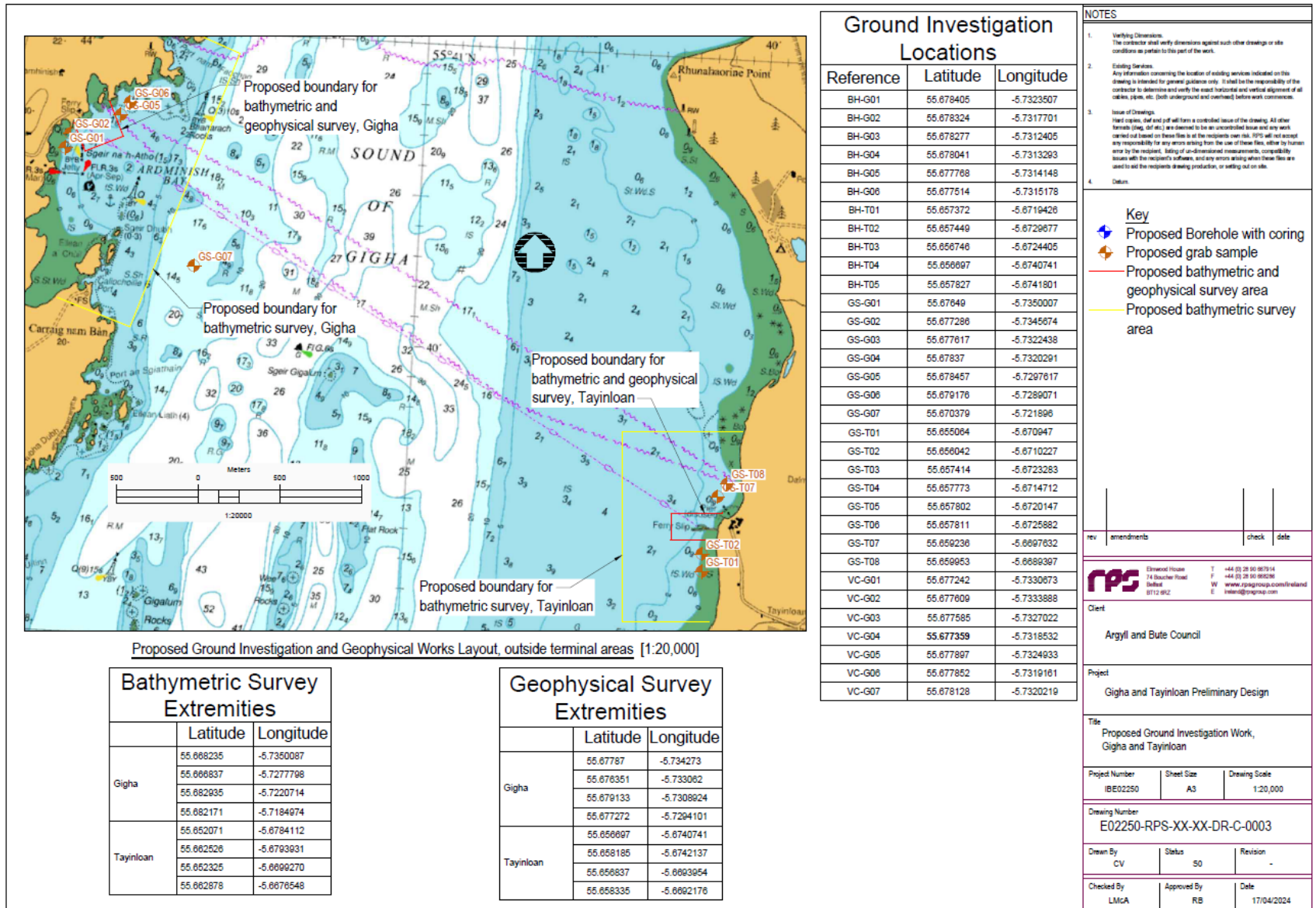


Figure 2-1 Proposed Investigation Works Summary

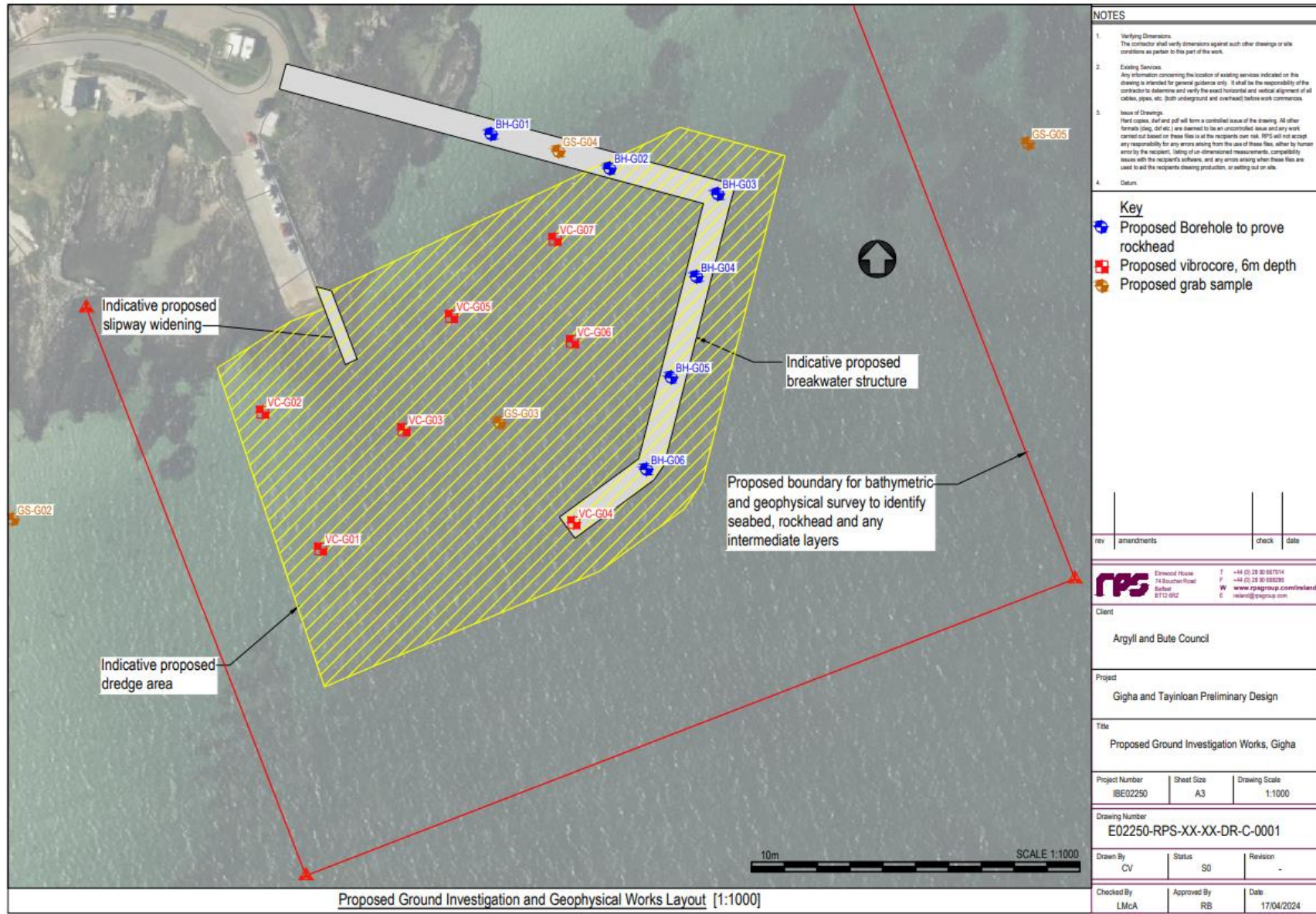


Figure 2-2 Proposed Investigation Works at Gigha (Ardminish Bay)



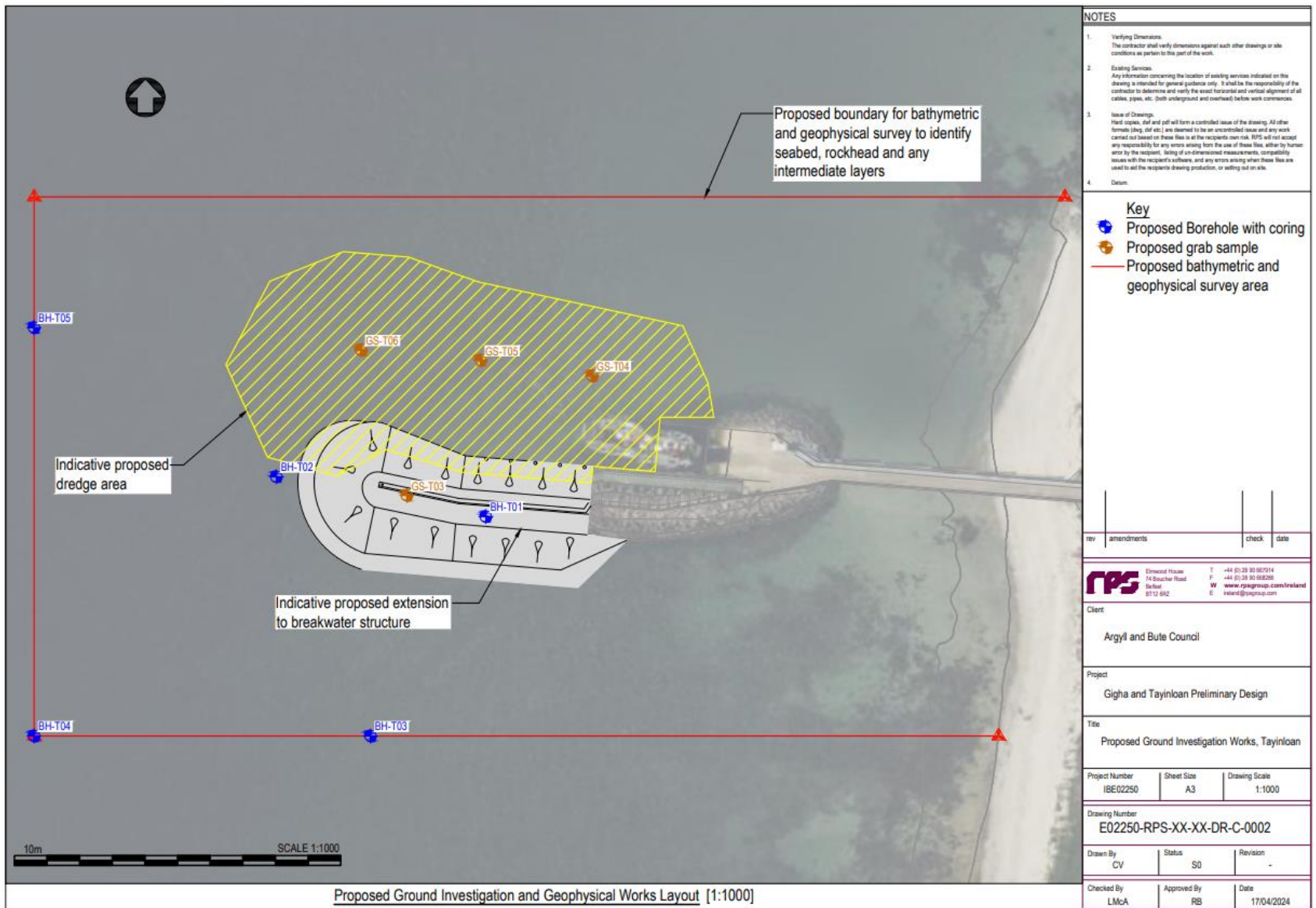


Figure 2-3 Proposed Investigation Works at Tayinloan

## 2.2.1 Vibrocore Schedule

Table 2-2 shows the vibrocore schedule. These are all proposed to reach 6m depth into the seabed, for particle size analysis and to locate depth of firm strata, where possible.

**Table 2-2 Vibrocore Schedule**

Hole Number	Type	Location	Grid Reference		Approximate ground level (mCD)	Scheduled Soil Depth	Total Scheduled Depth	Remarks
			Latitude	Longitude				
VC-G01	VC	Gigha – Proposed Dredge	55.677242	-5.7330673	-2.5	6m	6m	Geotechnical and Geoenvironmental Testing
VC-G02	VC	Gigha – Proposed Dredge	55.677609	-5.7333888	-1.0	6m	6m	Geotechnical Testing
VC-G03	VC	Gigha – Proposed Dredge	55.677585	-5.7327022	-3.0	6m	6m	Geotechnical and Geoenvironmental Testing
VC-G04	VC	Gigha – Proposed Structure	55.677359	-5.7318532	-3.5	6m	6m	Geotechnical Testing
VC-G05	VC	Gigha – Proposed Dredge	55.677897	-5.7324933	-2.0	6m	6m	Geotechnical Testing
VC-G06	VC	Gigha – Proposed Dredge	55.677852	-5.7319161	-2.5	6m	6m	Geotechnical Testing
VC-G07	VC	Gigha – Proposed Dredge	55.678128	-5.7320219	-2.0	6m	6m	Geotechnical and Geoenvironmental Testing



REPORT

2.2.2 Borehole Schedule

Table 2-3 shows the proposed borehole schedule. These are all with follow on rotary coring to prove rock (3m into competent strata). It is recommended that the boreholes are progressed utilising sonic boring, which has proved effective at recovering weathered rock in the area.

Table 2-3 Borehole Schedule

Hole Number	Type	Location	Grid Reference		Approximate ground level (mCD)	Scheduled Soil Depth	Scheduled Rock Depth	Total Scheduled Depth	Remarks
			Latitude	Longitude					
BH-G01	BH	Gigha – Proposed Structure	55.678405	-5.7323507	-1.0	5m	5m	10m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-G02	BH	Gigha – Proposed Structure	55.678324	-5.7317701	-2.0	5m	5m	10m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-G03	BH	Gigha – Proposed Structure	55.678277	-5.7312405	-2.5	7m	23m	30m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-G04	BH	Gigha – Proposed Structure	55.678041	-5.7313293	-3.0	7m	5m	12m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-G05	BH	Gigha – Proposed Structure	55.677768	-5.7314148	-3.0	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-G06	BH	Gigha – Proposed Structure	55.677514	-5.7315178	-3.5	10m	20m	30m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-T01	BH	Tayinloan – Proposed Structure	55.657372	-5.6719426	-2.5	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>

**REPORT**

Hole Number	Type	Location	Grid Reference		Approximate ground level (mCD)	Scheduled Soil Depth	Scheduled Rock Depth	Total Scheduled Depth	Remarks
			Latitude	Longitude					
BH-T02	BH	Tayinloan – Proposed Structure	55.657449	-5.6729677	-3.0	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-T03	BH	Tayinloan – Additional Info	55.656746	-5.6724405	-2.5m	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-T04	BH	Tayinloan – Additional Info	55.656697	-5.6740741	-3.5m	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>
BH-T05	BH	Tayinloan – Additional Info	55.657827	-5.6741801	-3.5m	10m	5m	15m	Geotechnical Testing <ul style="list-style-type: none"> <li>• &gt;95% TCR</li> <li>• SPTs</li> <li>• UT's</li> </ul>

### 2.2.3 Grab Sample Schedule

Table 2-4 Grab Sample Schedule

Hole Number	Type	Location	Grid Reference		Approximate ground level (mCD)	Scheduled Soil Depth	Remarks
			Latitude	Longitude			
GS-G01	GS	Gigha – Sediment Transport Modelling	55.67649	-5.7350007	-0.5	Surface	Geotechnical Testing
GS-G02	GS	Gigha – Sediment Transport Modelling	55.677286	-5.7345674	-0.5	Surface	Geotechnical Testing
GS-G03	GS	Gigha – Proposed Dredge	55.677617	-5.7322438	-3.0	Surface	Geotechnical and Benthic Testing
GS-G04	GS	Gigha – Proposed Structure	55.67837	-5.7320291	-1.5	Surface	Benthic Testing
GS-G05	GS	Gigha – Sediment Transport Modelling	55.678457	-5.7297617	-2.0	Surface	Geotechnical and Benthic Testing
GS-G06	GS	Gigha – Sediment Transport Modelling	55.679176	-5.7289071	-1.0	Surface	Geotechnical Testing
GS-G07	GS	Gigha – Benthic Baseline	55.670379	-5.721896	-15.0	Surface	Benthic Testing
GS-T01	GS	Tayinloan – Sediment Transport Modelling	55.655064	-5.670947	+0.5	Surface	Geotechnical Testing
GS-T02	GS	Tayinloan – Sediment Transport Modelling	55.656042	-5.6710227	+0.5	Surface	Geotechnical and Benthic Testing
GS-T03	GS	Tayinloan – Proposed Structure	55.657414	-5.6723283	-3.0	Surface	Benthic Testing
GS-T04	GS	Tayinloan – Proposed Dredge	55.657773	-5.6714712	-2.5	Surface	Geoenvironmental Testing
GS-T05	GS	Tayinloan – Proposed Dredge	55.657802	-5.6720147	-3.0	Surface	Geoenvironmental and Benthic Testing
GS-T06	GS	Tayinloan – Proposed Dredge	55.657811	-5.6725882	-3.0	Surface	Geoenvironmental Testing
GS-T07	GS	Tayinloan – Sediment Transport Modelling	55.659236	-5.6697632	-1.0	Surface	Geotechnical Testing
GS-T08	GS	Tayinloan – Sediment Transport Modelling	55.659953	-5.6689397	-1.0	Surface	Geotechnical Testing

## 2.2.4 Geophysical Investigations Schedule

Table 2-5 Geophysical Investigations Schedule

Type of Survey	Coverage	Location	Anticipated Charted Water Depths
Bathymetric Survey	124ha	Ardminish Bay	Intertidal to 15m
Bathymetric Survey	74ha	Tayinloan	Intertidal to 5m
Geophysical Survey (Bathymetric and sub-bottom profiling), Side scan sonar and Magnetometer surveys	6ha	Ardminish Bay	Intertidal to 4m
Geophysical Survey (Bathymetric and sub-bottom profiling), Side scan sonar and Magnetometer surveys	5ha	Tayinloan	Intertidal to 3.5m
Drop down video	4 locations	Ardminish Bay	-3.0, -1.5, -2.0 and -15.0m
Drop down video	3 locations	Tayinloan	+0.5 and -3.0m

The seabed bathymetry and sub-bottom profiling is required within the development and dredge area to inform engineering design. It is expected that this will be mostly undertaken by multi-beam echo sounding (MBES) and appropriate geophysical survey techniques to capture the level of rockhead, and the nature, thickness and location of the sub surface strata to rockhead.

Bathymetric surveys only are required within the yellow line boundaries (Figure 2-1).

Side Scan Sonar surveys are required for cultural heritage environmental assessments.

Drop-down video is required at the seven benthic grab sample locations, to include a minimum of 5-minutes of clear video and a minimum of 5 good-quality still images.



## 2.3 Consultations

Engagement has been undertaken with Calmac Ferries Ltd, who operate between Gigha and Tayinloan. The Winter Ferry Timetable (valid from 21 October 2024 to 27 March 2025) will be in operation during the time of investigation works. RPS have engaged with Calmac Ferries Ltd to ensure there are no impacts to ferry operations and ensured that no investigative works will be in the line of the ferry.

In addition, RPS have engaged with the Maritime and Coastguard Agency and the Northern Lighthouse Board. The outputs of these consultations are included in Appendix A.

RPS have also engaged with NatureScot between August 2023 and July 2024. The output of this consultation is included in Appendix B. In summary, NatureScot have concluded:

### Protected Sites:

Our advice is that this proposal is likely to have a significant effect on the Slavonian grebe, Red-breasted merganser and common eider features of the Sound of Gigha SPA. Consequently, Marine Directorate, as competent authority, will be required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

In order for them to do this we advise that based on the information provided by yourself, 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 proposals on the following factors:

There is potential for displacement from the area due to underwater noise. However, this noise will only be temporary in nature and would not be expected to compromise the site's Conservation Objectives. The survey is also taking place within the immediate vicinity of a working harbour, so the area may already be avoided to some extent by the qualifying features.

There is potential for disturbance from the survey vessels. However given that the works are to be undertaken in close proximity to a working harbour, it is anticipated that an additional survey vessel may not substantially increase the level of disturbance already at the harbour. We would advise following the Scottish Marine Wildlife Watching Code which highlights why birds are sensitive to disturbance. Ensuring slow speeds and avoiding going through any rafts of birds, where practical, are the key elements in this context.

There is potential for disruption of prey or prey habitats. However whilst the sediment surveys may cause some effects on the prey species, it is not anticipated to be at a level that would have subsequent effects on the qualifying features of the SPA. This is due to the short-term nature of the survey and the relatively small area over which the survey takes place. Given that there are other areas of the SPA where the birds may forage, in this specific context we would not anticipate any potential effects on the prey species at a level which would cause concern.

Given the above, whilst there is connectivity to the site and the protected features and impact pathways, due to the temporary short-term nature of the proposal, we do not consider this to be at a level that will compromise the Conservation Objectives of the site. Therefore, no adverse effect on site integrity is predicted.

### Protected Species:

#### European Protected Species

The sound frequency information provided by the Applicant indicates that the side scan sonar and multi-beam echo sounder will operate above the generalised hearing range (NMFS, 2018) of all cetaceans. The SBP-parametric, SBP-chirper/pinger and the ultra-short base line will all be audible to cetaceans and there is therefore a risk of disturbance, and potentially auditory injury, which requires mitigation.

Section 4.4 (of the EPS Risk Assessment) provides details on the proposed mitigation intended to minimise the risk of injury, and to reduce the risk of disturbance. This is based on the JNCC Guidelines, and includes the use of soft starts, Marine Mammal Observers (MMO) and Passive Acoustic Monitoring (PAM). We are content that the proposed mitigation will minimise the risk of injury, such that an EPS licence for injury is not required.

Mitigation will not fully reduce the risk of disturbance. Therefore, we advise that an EPS licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover disturbance is required. However we agree that due to the scale of the activity, there is a limited risk of significant disturbance that could result in a detrimental effect on the Favourable Condition Status (FCS). Therefore, we conclude that this Proposal is not capable of having a detrimental effect on the FCS of any EPS concerned.

### Basking Shark

There is risk of disturbance to basking sharks, therefore a basking shark licence is required. Based on the information provided by the Applicant, we can conclude that the Proposal will not have a negative impact on the conservation status of basking sharks. This is due to the localised nature of the noise produced, the short-term nature of the works and the application of the proposed mitigation measures.

# Appendix A

## RE: Notice of Intention to carry out an Exempted Activity - Response

navigation safety <navigationssafety@mcga.gov.uk>

Mon 10/06/2024 15:28

To: McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Dear Laura,

Thank you for the information regarding the proposed exempted Activity at Ardmish on the Island of Gigha.

We note that the works comprise geophysical, 15 grab and 7 vibrocore samplings, plus 11 boreholes, to be undertaken after late July 2024 once the contract has been awarded. We also note that consultation has taken place with Calmac Ferries, to mi

On the understanding that the following takes place, the MCA would have no significant concerns to raise with regards to the safety of navigation and would be satisfied that the risk is relatively low on this occasion:

1. All maritime safety legislation is complied with;
2. Local notification is issued to marine users, including fishermen's organisations, relevant authorities and other local stakeholders, to ensure that they are made fully aware of the activity at least five days before commencement of the works;
3. [Zone34@hmcg.gov.uk](mailto:Zone34@hmcg.gov.uk) must be notified prior to commencement of activities.
4. A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) of commencement of the licensed activities, at least 10 days before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

Please can you confirm that you accept the above risk mitigations?

Kind regards,

**Jo Cooke**

Policy Advisor

Marine Licensing and Consenting

**UK Technical Services Navigation** [NavigationSafety@mcga.gov.uk](mailto:NavigationSafety@mcga.gov.uk)





Redacted

**Maritime & Coastguard Agency**  
Spring Place, 105 Commercial Road,  
Southampton, SO15 1EG



**Safer Lives, Safer Ships, Cleaner Seas**  
[www.gov.uk/mca](http://www.gov.uk/mca)

---

**From:** McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>  
**Sent:** Tuesday, June 4, 2024 12:50 PM  
**To:** navigation safety <navigationsafety@mcga.gov.uk>; Info Line <Infoline@mcga.gov.uk>  
**Subject:** Notice of Intention to carry out an Exempted Activity

**CAUTION:** This email originated from outside the UK Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Please use the Report Message function to report suspicious messages.

RE: Consultation for Notice of Intention to carry out an Exempted Activity

Dear Sir/Madam,

RPS have been appointed by Argyll & Bute Council under the Scottish Excel Framework to prepare an EIAR and HRA for a proposal to construct a pier/breakwater to provide ferry overnight berthing facilities at Gigha (Ardminish), and a breakwater extension at Tayinloan.

RPS are proposing to undertake ground investigations and surveys in the vicinity of Ardminish and Tayinloan. The purpose of the ground investigations and surveys is to inform the:

- preliminary and detailed engineering design of the pier/breakwater and breakwater extension, including form and location; and
- environmental assessments to consider the impacts of the proposals, and facilitate an EIAR to support planning and marine licensing applications for the proposed development.

RPS have engaged closely with Calmac to ensure no disruption to the current ferry operation.

All sediment sampled from each sample location will not exceed 1 cubic metre per sample and therefore a Marine Licence Exemption is being sought from the Marine Directorate.

In addition, an EPS Risk Assessment is being undertaken to support EPS licencing requirements.

Please see attached draft Supporting Information and draft Notice of Intention to Carry out an Exempted Activity.

Prior to our submission to the Marine Directorate, can you please confirm that you are content with the proposed surveys to be undertaken. Your response will be used within the Supporting Information document and submitted to the Marine Directorate.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

T +44 2890 667 914

E [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

---

This email has been scanned by the BT Assure MessageScan service  
The service is delivered in partnership with Symantec.cloud

For more information please visit <http://www.globalservices.bt.com>

=====  
The information in this email may be confidential or otherwise protected by law. If you received it in error, please let us know by return e-mail and then delete it immediately, without printing or passing it on to anybody else.

Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications and for other lawful purposes.

## RE: [EXT] Notice of Intention to Carry out an Exempted Activity

Gillian Burns <Gillian.Burns@nlb.org.uk>

Tue 04/06/2024 14:06

To: McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

You don't often get email from gillian.burns@nlb.org.uk. [Learn why this is important](#)

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Good afternoon Laura,

Thank you for your email regarding the proposed exempted survey activities at two sites, Ardmish and Tayinloan.

We note there has been consultation with CalMac to avoid disruption to ferry activities.

I can confirm the Northern Lighthouse Board do not foresee these activities to be a hazard to navigation and advise the following:

- Argyll and Bute Council issue a local Notice to Mariners for each sampling campaign, please copy any issued NtM to [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk)

Please come back to us on [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk) if you need further assistance.

Best wishes,

Gillian

### Official - Northern Lighthouse Board Email

**Gillian Burns**

**Navigation Officer**

NLB Navigation, 84 George Street, Edinburgh, EH2 3DA

Redacted

[Gillian.Burns@nlb.org.uk](mailto:Gillian.Burns@nlb.org.uk)

[www.nlb.org.uk](http://www.nlb.org.uk)



**Our mission:** To deliver in the most sustainable way practicable, a reliable, efficient and cost-effective Aids to Navigation service for the benefit and safety of all Mariners.

**Our values:** Safety, Pride, Integrity, Teamwork, Fairness, Innovation, Respect, Environment

Follow NLB on:



---

**From:** Enquiries <Enquiries@nlb.org.uk>

**Sent:** Tuesday, June 4, 2024 12:59 PM

**To:** navigation <navigation@nlb.org.uk>

**Subject:** FW: [EXT] Notice of Intention to Carry out an Exempted Activity

---

**From:** McAnallen, Laura <[Laura.Mcanallen@rps.tetrattech.com](mailto:Laura.Mcanallen@rps.tetrattech.com)>

**Sent:** Tuesday, June 4, 2024 12:48 PM

**To:** Enquiries <[Enquiries@nlb.org.uk](mailto:Enquiries@nlb.org.uk)>

**Subject:** [EXT] Notice of Intention to Carry out an Exempted Activity

RE: Consultation for Notice of Intention to carry out an Exempted Activity

Dear Sir/Madam,

RPS have been appointed by Argyll & Bute Council under the Scottish Excel Framework to prepare an EIAR and HRA for a proposal to construct a pier/breakwater to provide ferry overnight berthing facilities at Gigha (Ardrinish), and a breakwater extension at Tayinloan.

RPS are proposing to undertake ground investigations and surveys in the vicinity of Ardrinish and Tayinloan. The purpose of the ground investigations and surveys is to inform the:

- preliminary and detailed engineering design of the pier/breakwater and breakwater extension, including form and location; and
- environmental assessments to consider the impacts of the proposals, and facilitate an EIAR to support planning and marine licensing applications for the proposed development.

RPS have engaged closely with Calmac to ensure no disruption to the current ferry operation.

All sediment sampled from each sample location will not exceed 1 cubic metre per sample and therefore a Marine Licence Exemption is being sought from the Marine Directorate.

In addition, an EPS Risk Assessment is being undertaken to support EPS licencing requirements.

Please see attached draft Supporting Information and draft Notice of Intention to Carry out an Exempted Activity.

Prior to our submission to the Marine Directorate, can you please confirm that you are content with the proposed surveys to be undertaken. Your response will be used within the Supporting Information document and submitted to the Marine Directorate.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

**T** +44 2890 667 914

**E** [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

**Caution:** This is an external email and may contain a link or content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk



# Appendix B


## Re: Notice of Intention to carry out an Exempted Activity

McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

Thu 13/06/2024 09:58

To: Esther Whitford <Esther.Whitford@nature.scot>

Cc: Bingham, Richard <Richard.Bingham@rps.tetrattech.com>; Mitchell, Sara <Sara.Mitchell@rps.tetrattech.com>; Ferguson, Catherine <Catherine.Vincent@rps.tetrattech.com>

 1 attachments (137 KB)

Summer-Timetable\_TAY-GIG.pdf;

Hi Esther,

Thanks for your email.

The works are proposed to take place Monday to Friday 0800-1800 and will work around the ferry operations as agreed with Calmac. Please see attached summer ferry schedule for your reference.

No boreholes have been proposed on the line of ferry approaches and these have been replaced with vibrocores or grab samples as these will require a shorter time in position.

Where any work is required between ferry crossings, this will be before or after the last ferry of the day.

Depending on the consultation period with the Marine Directorate on the Intention to carry out an Exempted Activity, we are hoping to award a contractor as soon as possible. We have anticipated that the works could begin and end between 26<sup>th</sup> August and 27<sup>th</sup> September, with 5 weeks anticipated on site.

Any other questions please let me know.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

**T** +44 2890 667 914

**E** [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

---

**From:** Esther Whitford <Esther.Whitford@nature.scot>

**Sent:** Thursday, 13 June 2024 09:23

**To:** McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

**Cc:** Bingham, Richard <Richard.Bingham@rps.tetrattech.com>; Mitchell, Sara <Sara.Mitchell@rps.tetrattech.com>

**Subject:** RE: Notice of Intention to carry out an Exempted Activity

You don't often get email from esther.whitford@nature.scot. [Learn why this is important](#)

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Hi Laura,

Thank you for consulting NatureScot regarding this survey work.

Do you have a rough idea of timescales i.e. when you expect the works to start and how long they will take? I know last year the surveys were timed around the ferries (first thing in the morning/last thing at night), will that be the same for this years works?

Many thanks,  
Esther

**Esther Whitford** (she/her) | **Operations Officer - West**

**NatureScot** | 7 Alexandra Parade, Dunoon, Argyll, PA23 8AB | t: 01313 144172 m: **Redacted**

**NàdarAlba** | 7 Pairèid Alexandra, Dùn Obhainn, Earra Ghàidheal, PA23 8AB

[nature.scot](https://www.nature.scot) | [@NatureScot](#) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

---

**From:** McAnallen, Laura <[Laura.Mcanallen@rps.tetrattech.com](mailto:Laura.Mcanallen@rps.tetrattech.com)>

**Sent:** Tuesday, June 4, 2024 12:57 PM

**To:** LICENSING <[licensing@nature.scot](mailto:licensing@nature.scot)>; MARINEACTIVITIES <[marineactivities@nature.scot](mailto:marineactivities@nature.scot)>

**Cc:** Bingham, Richard <[Richard.Bingham@rps.tetrattech.com](mailto:Richard.Bingham@rps.tetrattech.com)>; Mitchell, Sara <[Sara.Mitchell@rps.tetrattech.com](mailto:Sara.Mitchell@rps.tetrattech.com)>

**Subject:** Notice of Intention to carry out an Exempted Activity

RE: Consultation for Notice of Intention to carry out an Exempted Activity

Dear Sir/Madam,

RPS have been appointed by Argyll & Bute Council under the Scottish Excel Framework to prepare an EIAR and HRA for a proposal to construct a pier/breakwater to provide ferry overnight berthing facilities at Gigha (Ardminish), and a breakwater extension at Tayinloan.

RPS are proposing to undertake ground investigations and surveys in the vicinity of Ardminish and Tayinloan. The purpose of the ground investigations and surveys is to inform the:

- Preliminary and detailed engineering design of the pier/breakwater and breakwater extension, including form and location; and
- Environmental assessments of the location to consider the impacts of the proposals, and facilitate an EIAR to support planning and marine licensing applications for the proposed development.

All sediment sampled from each sample location will not exceed 1 cubic metre per sample and therefore a Marine Licence Exemption is being sought from the Marine Directorate.

The proposal area is located within the Sound of Jura SPA. This SPA is designated for:

- Eider (*Somateria mollissima*), non-breeding
- Great northern diver (*Gavia immer*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Slavonian grebe (*Podiceps auritus*), non-breeding

The nearest Ramsar site is located at Kintyre Goose Roosts. This is a terrestrial Ramsar site located >5km to the northeast of Tayinloan.

The nearest Marine Protected Area is Loch Sween, which is located >25km to the north of the proposal.

In addition to the above, an EPS Risk Assessment is currently being undertaken to support EPS licencing requirements. This can be made available to you once completed.

Please see attached draft Supporting Information and draft Notice of Intention to Carry out an Exempted Activity.

Prior to our submission to the Marine Directorate, can you please confirm that the proposed works will not have a likely significant effect on an SAC, SPA, pSPA or Ramsar site or be capable of affecting an MPA or pMPA. Your response will be used within the Supporting Information document and submitted to the Marine Directorate.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

**T** +44 2890 667 914

**E** [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Please note that for business purposes, outgoing and incoming emails from and to NatureScot may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a- mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsèar-siostaim no neach- sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a- mach bho NàdarAlba.

---



## Re: Notice of Intention to carry out an Exempted Activity

McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

Wed 26/06/2024 09:14

To: Esther Whitford <Esther.Whitford@nature.scot>

Cc: Bingham, Richard <Richard.Bingham@rps.tetrattech.com>

Morning Esther,

Thanks for your email and for passing these on.

We have now submitted the documents to the Marine Directorate and made note that we are still waiting on the outcome of the consultation with yourselves.

We have proposed that the surveys begin in late August and so we have passed the documents on to the Marine Directorate, noting that their determination time can take anywhere up to 14 weeks. Therefore, getting a response from yourselves as soon as possible would be great.

If there's any further information that yourself and your advisors need, please feel free to give me a call/email.

Many thanks,  
Laura

### **Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

**T** +44 2890 667 914

**E** laura.mcanallen@rps.tetrattech.com

---

**From:** Esther Whitford <Esther.Whitford@nature.scot>

**Sent:** Wednesday, 26 June 2024 09:03

**To:** McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

**Subject:** RE: Notice of Intention to carry out an Exempted Activity

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. [⚠](#)

Hi Laura,

Thank you for sending these over, I have sent them to our advisors and will get comments back to you as soon as possible. Due to staff availability and annual leave this may take a couple of weeks, do you have a deadline for submitting to the Marine Directorate?

Many thanks,  
Esther

**Esther Whitford** (she/her) | **Operations Officer - West**

**NatureScot** | 7 Alexandra Parade, Dunoon, Argyll, PA23 8AB | t: 01313 144172 m: **Redacted**

**NàdarAlba** | 7 Pairèid Alexandra, Dùn Obhainn, Earra Ghàidheal, PA23 8AB

[nature.scot](https://www.nature.scot) | [@NatureScot](https://twitter.com/NatureScot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

---

**From:** McAnallen, Laura <Laura.Mcanallen@rps.tetrattech.com>

**Sent:** Thursday, June 20, 2024 5:45 PM

**To:** Esther Whitford <Esther.Whitford@nature.scot>; licensing@nature.scot; marineactivities@nature.scot

**Cc:** Bingham, Richard <Richard.Bingham@rps.tetrattech.com>; Mitchell, Sara <Sara.Mitchell@rps.tetrattech.com>

**Subject:** Re: Notice of Intention to carry out an Exempted Activity

Hi Esther,

I'm just following up with some more information for you on this.

We have now received the EPS Risk Assessment (attached) which is being used to inform the EPS and Basking shark Licence requirements (also attached). Based on the outcome of the Risk Assessment, it was demonstrated that for all five species, the number of animals affected in the context of the wider MU populations will be small and therefore unlikely to significantly affect the population as a whole. The populations of EPS in the vicinity of the survey area will continue to maintain themselves on a long-term basis as a viable component of their natural habitats. In addition, it was demonstrated that for all EPS, the Licensable Operations are not predicted to create a barrier to movement for EPS and are therefore not likely to reduce the range of populations, with the natural range of each species neither being reduced nor likely to be reduced for the foreseeable future. Finally, it was demonstrated that any habitat likely to be affected by the Licensable Operations will constitute a very small proportion of the available habitat to these EPS and therefore it is predicted that there is, and will probably continue to be, a sufficiently large habitat to maintain EPS populations on a long-term basis. As such the Applicant has demonstrated that the Licensable Operations fulfil the requirements of Test 3: Favourable Conservation Status.

These documents will be sent to the Marine Directorate, alongside the Notice of Intention to carry out an Exempted Activity, once we have confirmation from NatureScot that the surveys will not impact on a designated site.

For note, we have planned these surveys to commence in late August/ early September as we believe that undertaking them at this time will have minimal disturbance to tourism in the area as it will be at the end of the tourist season; will have the least disturbance to the Sound of Gigha SPA as it will be prior to the overwintering bird season; and will also have the least health and safety risks for the contractor as will avoid working in winter with reduced daylight hours and increasingly stormy weather.

This does however mean that the schedule is quite tight for us to receive a response from the Marine Directorate, so we would really appreciate if NatureScot could provide a response as soon as possible.

If there is any further information that you need to aid in your decision making feel free to give me a call to discuss.

We look forward to hearing from you.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management  
RPS | Consulting UK & Ireland  
Elmwood House  
74 Boucher Road, Belfast  
Co. Antrim BT12 6RZ, United Kingdom  
**T** +44 2890 667 914  
**E** [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

---

**From:** Esther Whitford <[Esther.Whitford@nature.scot](mailto:Esther.Whitford@nature.scot)>

**Sent:** Thursday, 13 June 2024 09:23

**To:** McAnallen, Laura <[Laura.Mcanallen@rps.tetrattech.com](mailto:Laura.Mcanallen@rps.tetrattech.com)>

**Cc:** Bingham, Richard <[Richard.Bingham@rps.tetrattech.com](mailto:Richard.Bingham@rps.tetrattech.com)>; Mitchell, Sara <[Sara.Mitchell@rps.tetrattech.com](mailto:Sara.Mitchell@rps.tetrattech.com)>

**Subject:** RE: Notice of Intention to carry out an Exempted Activity

You don't often get email from [esther.whitford@nature.scot](mailto:esther.whitford@nature.scot). [Learn why this is important](#)

**⚠ CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

Hi Laura,

Thank you for consulting NatureScot regarding this survey work.

Do you have a rough idea of timescales i.e. when you expect the works to start and how long they will take? I know last year the surveys were timed around the ferries (first thing in the morning/last thing at night), will that be the same for this years works?

Many thanks,  
Esther

**Esther Whitford** (she/her) | **Operations Officer - West**

**NatureScot** | 7 Alexandra Parade, Dunoon, Argyll, PA23 8AB | t: 01313 144172 m: **Redacted**

**From:** McAnallen, Laura <[Laura.Mcanallen@rps.tetrattech.com](mailto:Laura.Mcanallen@rps.tetrattech.com)>  
**Sent:** Tuesday, June 4, 2024 12:57 PM  
**To:** LICENSING <[licensing@nature.scot](mailto:licensing@nature.scot)>; MARINEACTIVITIES <[marineactivities@nature.scot](mailto:marineactivities@nature.scot)>  
**Cc:** Bingham, Richard <[Richard.Bingham@rps.tetrattech.com](mailto:Richard.Bingham@rps.tetrattech.com)>; Mitchell, Sara <[Sara.Mitchell@rps.tetrattech.com](mailto:Sara.Mitchell@rps.tetrattech.com)>  
**Subject:** Notice of Intention to carry out an Exempted Activity

RE: Consultation for Notice of Intention to carry out an Exempted Activity

Dear Sir/Madam,

RPS have been appointed by Argyll & Bute Council under the Scottish Excel Framework to prepare an EIAR and HRA for a proposal to construct a pier/breakwater to provide ferry overnight berthing facilities at Gigha (Ardrinish), and a breakwater extension at Tayinloan.

RPS are proposing to undertake ground investigations and surveys in the vicinity of Ardrinish and Tayinloan. The purpose of the ground investigations and surveys is to inform the:

- Preliminary and detailed engineering design of the pier/breakwater and breakwater extension, including form and location; and
- Environmental assessments of the location to consider the impacts of the proposals, and facilitate an EIAR to support planning and marine licensing applications for the proposed development.

All sediment sampled from each sample location will not exceed 1 cubic metre per sample and therefore a Marine Licence Exemption is being sought from the Marine Directorate.

The proposal area is located within the Sound of Jura SPA. This SPA is designated for:

- Eider (*Somateria mollissima*), non-breeding
- Great northern diver (*Gavia immer*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Slavonian grebe (*Podiceps auritus*), non-breeding

The nearest Ramsar site is located at Kintyre Goose Roosts. This is a terrestrial Ramsar site located >5km to the northeast of Tayinloan.

The nearest Marine Protected Area is Loch Sween, which is located >25km to the north of the proposal.

In addition to the above, an EPS Risk Assessment is currently being undertaken to support EPS licencing requirements. This can be made available to you once completed.

Please see attached draft Supporting Information and draft Notice of Intention to Carry out an Exempted Activity.

Prior to our submission to the Marine Directorate, can you please confirm that the proposed works will not have a likely significant effect on an SAC, SPA, pSPA or Ramsar site or be capable of affecting an MPA or pMPA. Your response will be used within the Supporting Information document and submitted to the Marine Directorate.

Many thanks,  
Laura

**Dr Laura McAnallen CSci C.WEM MCIWEM**

Senior Associate - Water Environment & Flood Risk Management

RPS | Consulting UK & Ireland

Elmwood House

74 Boucher Road, Belfast

Co. Antrim BT12 6RZ, United Kingdom

**T** +44 2890 667 914

**E** [laura.mcanallen@rps.tetrattech.com](mailto:laura.mcanallen@rps.tetrattech.com)

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Please note that for business purposes, outgoing and incoming emails from and to NatureScot may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a- mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsèar-siostaim no neach- sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a- mach bho NàdarAlba.

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Please note that for business purposes, outgoing and incoming emails from and to NatureScot may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a- mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsèar-siostaim no neach- sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a- mach bho NàdarAlba.

---



By email: [Laura.Mcanallen@rps.tetrattech.com](mailto:Laura.Mcanallen@rps.tetrattech.com)

12 July 2024

Our ref: CPA175798

Dear Laura,

**Notice of Intention to carry out an Exempted Activity – Ground investigation and surveys for Gigha breakwater and pier construction, Isle of Gigha**

Thank you for consulting NatureScot regarding the proposed geophysical and geotechnical surveys at the Isle of Gigha and Tayinloan (hereafter referred to as ‘the Proposal’). This survey work is being undertaken as part of the proposed breakwater and pier construction at Ardmish, Gigha, and a breakwater extension at Tayinloan and will be carried out by RPS Consulting on behalf of Argyll and Bute Council (hereafter referred to as ‘the Applicant’).

**Summary**

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.

**Protected Areas**

Sound of Gigha Special Protection Area

The Proposal is located within the Sound of Gigha Special Protection Area (SPA), designated for great northern diver, Slavonian grebe, red-breasted merganser and common eider. Further information is available here: <https://sitelink.nature.scot/site/10486>

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, the Marine Directorate is required to consider the effect of the works on the SPA 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 (LSE) on the Slavonian grebe, red-breasted merganser, and common eider features of the SPA. Consequently, the Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site’s conservation objectives for its qualifying interests.

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

The works are due to take place in late August and September, Monday to Friday between the hours of 8am and 6pm. As such, there is LSE for Slavonian grebe, red-breasted merganser, and common eider as they will be present within the site during this period. Disturbance is likely to occur through displacement due to underwater noise; disturbance from the survey vessel; and disruption of prey/prey habitats.

However, although birds will be displaced from the area due to these works, given the duration of the works we expect that impacts will be short-term in nature and will return to baseline quickly following the end of the survey programme. As such we do not consider that this Proposal will compromise the conservation objectives of the site and will therefore not have an adverse effect on site integrity.

It should be noted that no LSE is expected for great northern diver, as they are not present in the SPA during the proposed survey times.

#### Inner Hebrides and the Minches Special Area of Conservation

The Proposal is located approximately 6km from the Inner Hebrides and the Minches Special Area of Conservation (SAC), designated for harbour porpoise. 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 due to the distance to the site and the localised, short-term nature of the works.

#### South-east Islay Skerries/Eileanan agus Sgeiran Lios more SAC

The Proposal is located approximately 21km from South-east Islay Skerries SAC and over 90km away from Eileanan agus Sgeiran Lios more SAC, both of which are designated for harbour seal. Our advice is that it is unlikely that the Proposal will have a significant effect on any either site, either directly or indirectly. An appropriate assessment is therefore not required. This is due to the distance to these sites and the localised, short-term nature of the works.

### **Protected Species**

#### European Protected Species

The sound frequency information provided by the Applicant indicates that the side scan sonar and multi-beam echo sounder will operate above the generalised hearing range (NMFS, 2018) of all cetaceans. The SBP-parametric, SBP-chirper/pinger and the ultra-short base line will all be audible to cetaceans and there is therefore a risk of disturbance, and potentially auditory injury, which requires mitigation.

Section 4.4 provides details on the proposed mitigation intended to minimise the risk of injury, and to reduce the risk of disturbance. This is based on the JNCC Guidelines, and includes the use of soft starts, Marine Mammal Observers (MMO) and Passive Acoustic Monitoring (PAM). We are content that the proposed mitigation will minimise the risk of injury, such that an EPS licence for injury is not required.

Mitigation will not fully reduce the risk of disturbance. Therefore, we advise that an EPS licence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to cover disturbance is required. However we agree that due to the scale of the activity, there is a limited risk of significant disturbance that could result in a detrimental effect on the Favourable Condition Status (FCS). Therefore, we conclude that this Proposal is not capable of having a detrimental effect on the FCS of any EPS concerned.

#### Basking Shark

There is risk of disturbance to basking sharks, therefore a basking shark licence is required. Based on the information provided by the Applicant, we can conclude that the Proposal will not have a negative impact on the conservation status of basking sharks. This is due to the localised nature of the noise produced, the short-term nature of the works and the application of the proposed mitigation measures.

I hope that is clear, if you have any questions regarding the above please don't hesitate to contact me.

Yours sincerely,

**Esther Whitford**

Operations Officer - National Operations West

Esther.whitford@nature.scot