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Date: 12 March 2021

Dear Mr Brown,

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

Thank you for your screening opinion request dated 15 January 2021 in regards to the proposed pier extension, breakwater construction and capital dredging works at Ulva Pier, 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 (as amended) ("the 2017 MW Regulations"), with the Proposed Works meeting the corresponding threshold 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, 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, 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). Due to reasons outwith its control, SEPA has been unable to provide a consultation response. Argyll and Bute Council has also been unable to provide a response to date.

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 consist of an extension to the length of the existing pier of approximately 4.5 metres (“m”) and an increase to its height of 0.5m. The pier extension foundation will be excavated down to rock by an excavator at low tide. A mass concrete levelling base will then be cast onto the rock to create a level foundation for the walls. All concrete placed underwater or within the tidal zone will have an underwater anti-washout additive. On completion of the foundation, precast concrete blocks will be placed to form walls and act as permanent shuttering to the mass concrete backfill. The concrete blocks will be craned into position and then dowled into the mass concrete using steel dowels. Mass concrete backfill will be used behind the first two courses of blocks to provide the required structural stability. Above this level, the backfill will comprise of rockfill. The top of the quay will be finished with a concrete slab covering the length of the existing pier and the extension. The existing slipway adjacent to the pier will be regraded using concrete over a short length to tie into the new pier levels. Steel shutters will be placed on the seabed during construction works for the concrete pours and will be removed on completion of the works.

In addition, a rock armoured breakwater, with a footprint of 290 square metres, is to be constructed to the south of the pier. The construction of the breakwater will progress from shore, infilling with low fines content rockfill and then placing rock armour protection on the slope using an excavator. A new level hardstanding area will be created on land adjacent to the pier, with 500 cubic metres of the rock taken from the creation of that area being used as the infill for both the pier and breakwater construction.

It is anticipated that the effects of the breakwater on the wave climate will be very localised and that movements and deposits of significant amounts of sediment are unlikely with only approximately 450 millimetres of sand covering the rock on the seabed. It is also considered unlikely that any significant coastal erosion could occur on the basis that the geology of the surrounding coastline is dominated by very hard Basalt, Lava rock.

It is the intention of the applicant to implement standard best practice construction methods and simple mitigation (as detailed in their screening opinion request), to ensure significant effects on the environment do not occur as a result of pollution from either contaminants or concrete entering the marine environment.

## Location of the works

The Proposed Works lie within the Loch na Keal, Isle of Mull National Scenic Area (“NSA”) and are located approximately 2.2 kilometres (“km”) from the Inner Hebrides and the Minches Special Area of Conservation (“SAC”) and 3.3km from the Sea of the Hebrides Marine Protected Area (“MPA”).

NatureScot advised that based on the information provided, including mitigation measures, the Proposed Works will not have any predicted significant effects on natural heritage landscapes or features of national importance. It is the view of NatureScot that the Proposed Works are unlikely to significantly affect the special qualities of the NSA due to their small scale, that they will not have a likely significant effect on the designated features of the SAC and will not have a significant effect on the designated features of the MPA.

NatureScot also advised that otters, a European Protected Species (“EPS”), are known to be present at the site of the Proposed Works. As per NatureScot’s recommendation, it is the intention of the applicant to undertake a pre-construction survey to identify whether or not there are protected features (holts, lay-up or couches) in the vicinity of the works and if so,

to identify appropriate mitigation and to seek an EPS licence from NatureScot prior to works commencing. Irrespective of whether protected otter features are found, the applicant intends to instruct construction staff to check equipment and work areas each day for the presence of otters.

In addition, NatureScot advised that any activity causing disturbance to cetaceans, which are also an EPS, would likely require an EPS licence. NatureScot confirmed however, that the submission of a Cetacean Protection Plan would provide sufficient reassurance that all necessary mitigation will be implemented to reduce disturbance on porpoise within the area, and that this in turn, would benefit other cetaceans that may also be present.

During rock placement activities, it is the applicant's intention to undertake visual checks for otters or other animals (including basking sharks and marine mammals) to ensure no harm occurs to these species. If works are to be carried out in the bird nesting season, the applicant will also undertake checks for nests and will implement appropriate exclusion zones for any nests identified.

HES advised that there are no cultural heritage assets of historic environment interest within the vicinity of the Proposed Works.

### **Characteristics of the potential impact**

The Scottish Ministers consider the Proposed Works to be relatively small in scale and low impact in nature and are in agreement with the applicant's assessment that the environmental effects of the Proposed Works will be minor and localised.

The Scottish Ministers are content that utilisation of standard good practice construction methods and the embedded mitigation measures proposed by the applicant (as detailed in their screening opinion request), along with the submission of a Cetacean Protection Plan (as recommended by NatureScot) will be sufficient to ensure no significant effects on the environment. It is the Scottish Ministers' intention that this mitigation will be formalised in conditions, as appropriate, attached to any marine licence subsequently granted for the Proposed Works.

### **Conclusion**

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

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

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

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

Yours sincerely

**Neil Macleod**

Marine Scotland - Licensing Operations Team

## Appendix I – Consultation Responses



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email to: [Neil.MacLeod3@gov.scot](mailto:Neil.MacLeod3@gov.scot)

Neil Macleod  
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Marine Scotland (Aberdeen Office)

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Salisbury Place  
Edinburgh  
EH9 1SH

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

Our case ID: 300048764  
15 February 2021

Dear Neil Macleod

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
North West Mull Community Woodland Company Ltd - Ulva Ferry Pier, Mull - Pier  
Extension  
Request for Screening Opinion

Thank you for your consultation which we received on 29 January 2021 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. 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, gardens and designed landscapes and battlefields on their respective Inventories and Historic Marine Protected Areas.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

### **Proposed Development**

We understand that the proposed development comprises the extension of the existing pier at Ulva, Isle of Mull. We also understand that we will be consulted on the marine licence application for the proposed development in advance of works below the mean high-water springs (MHWS).

### **Our Screening opinion**

We understand that there are no cultural heritage assets within our remit within the vicinity of the proposed development. We therefore have no comments to make on the requirement or otherwise for an EIA for this proposed development.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Samuel Fox and they can be contacted by phone on 0131 668 6890 or by email on [samuel.fox@hes.scot](mailto:samuel.fox@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Neil Macleod  
Marine Scotland  
By email only - [Neil.MacLeod3@gov.scot](mailto:Neil.MacLeod3@gov.scot)

17 February 2021

Your ref: North West Mull Community Woodland Company Ltd (per Wallace Stone) - Pier Extension  
- Ulva Ferry Pier, Mull  
Our ref: CEA161939

Dear Mr Macleod

## **ULVA PIER DEVELOPMENT – EIA SCREENING REQUEST.**

Thank you for consulting NatureScot on the above development. Based on the information provided including mitigation measures, **we advise that the development, as currently proposed, will not have any predicted significant effects on natural heritage landscapes or features of national importance.**

### **1. Designated Sites**

The proposed pier extension lies within Loch na Keal National Scenic Area (NSA) and is close to the Inner Hebrides and The Minches Special Area of Conservation (SAC) and the Sea of the Hebrides Marine Protected Area (MPA).

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

The proposal is located approximately 2.2km from the Inner Hebrides and the Minches Special Area of Conservation (SAC), designated for harbour porpoise. In our view, the proposal will not have a likely significant effect on the designated features of the SAC.

#### *1.2 Sea of the Hebrides Marine Protected Area*

The proposal is located approximately 3.3km from the Sea of the Hebrides Marine Protected Area (MPA), designated for basking shark, minke whale, thermal fronts and the marine geomorphology of the Scottish shelf seabed. In our view, the proposal will not have a significant effect on the designated features of the MPA.

#### *1.3 Loch na Keal, Isle of Mull National Scenic Area*

The pier extension lies within Loch na Keal, Isle of Mull NSA. In our view, the proposal is unlikely to significantly affect the special qualities of the NSA due to the small scale of the proposal.

## 2. European Protected Species

Otters are a European Protected Species (EPS) and are fully protected under [Conservation \(Natural Habitats, &c.\) Regulations 1994](#). Otters are known to be present in the site, we therefore recommend a pre-construction survey to be carried out covering areas of suitable habitat within disturbance distance of the proposal. If otters or their breeding/resting places are likely to be affected by the proposal, a licence will need to be sought from NatureScot. More information on European Protected Species can be found on our website - <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european-protected>

Cetaceans are another EPS and any development activity that will lead to their disturbance would likely require a licence. The submission of a Cetacean Protection Plan will provide reassurance that all necessary mitigation will be implemented to reduce disturbance on porpoise, and this in turn, will benefit other cetaceans as well. Further information can be found - <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/european-protected-species-licensing>. This advice is also applicable to other marine mammals (such as seals).

## 3. Benthic Habitats

We would advise that benthic studies be undertaken to check for the presence of Priority Marine Feature's (PMF's) prior to construction. If PMF habitats are found within the site then appropriate mitigation or compensatory measures should be implemented. Information on PMF's including a list of species can be found <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>.

## 4. Protected Species - General

We have published protected species standing advice on our website which provides the latest information and advice to help ensure that developments can proceed without harm to protected species. Our advice includes details for each protected species regarding legal protection, licensing requirements, when and how to carry out surveys, and a list of measures that can be taken to minimise impacts. We will only provide further advice in exceptional circumstances that are not covered by this standing advice. Please see: [Planning and development: protected species](#).

Please contact me if you have any queries regarding our advice.

Yours sincerely,

Louise Clark  
Operations Officer -Mid Argyll and Kintyre  
[Louise.Clark@nature.scot](mailto:Louise.Clark@nature.scot)