

T: +44 (0)300 244 5046
E: ms.marine.licensing@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

Ms ES Simoes
Argyll and Bute Council
1A Manse Brae
Lochgilphead
Argyll
PA31 8RD

20 September 2024

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) 2017 REGULATIONS

DECISION NOTICE – MARINE LICENCES TO DREDGE, DEPOSIT DREDGED SUBSTANCES OR OBJECTS AND CONSTRUCT A ROCK ARMOUR BREAKWATER AT IONA FERRY TERMINAL, BAILE MÒR, ISLE OF IONA.

1. Application and description of the work

- 1.1 On 11 September 2023, Argyll and Bute Council, having its registered office at 1A Manse Brae, Lochgilphead, Argyll PA31 8RD (“the Applicant”), submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 (“the 2010 Act”) for capital dredging, sea deposit of dredged materials and construction of a rock armour breakwater at Iona Ferry Terminal (hereinafter collectively referred to as “the Works”). The applications were accompanied by an Environmental Impact Assessment Report (“EIA Report”) in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”).
- 1.2 The Works are located at Iona Harbour, on the east coast of the Isle of Iona, and consist of the following activities below Mean High Water Springs (“MHWS”):
 - Capital Dredging and Deposit of dredged substances or objects
 - Construction of a new rock armour breakwater
- 1.3 The Works are expected to take approximately 52 weeks to complete. The proposed start date is March 2024, although the licence requested will cover a three year period within which the Works can be completed. Capital dredging and sea deposit is expected to last for no more than one week, with subsequent maintenance dredging required after the construction works are complete.

Capital Dredging and Deposit of dredged substances or objects

- 1.4 The Works include capital dredging and sea deposit of dredged material to facilitate improved ferry journey reliability via the planned introduction of a larger vessel. Dredging to accommodate the new navigation channel requirements will increase the water depth to a level of up to -3 metres (“m”) chart datum (“C.D.”). The approximate dredge area is 2,017 square metres (“m²”), located to the north east of the existing slipway. The dredge volume is expected to be 1,225 cubic metres, equating to 2,205 wet tonnes. It is estimated 95% of the substances or objects to be dredged will be sand, with the remaining 5% being comprised of pebbles, cobbles and boulders. A backhoe dredger will be used to remove the material. Dredge material will be placed in a hopper barge and deposited at the Portnahaven authorised sea deposit site (MA035), the closest open dredge deposit site, approximately 80 kilometres (“km”) away from the Works location. The capital dredging is expected to be carried out overnight, and will be completed prior to construction of the breakwater.

Construction of a new rock armour breakwater

- 1.5 The construction of a rock armour breakwater is proposed in order to provide defence from waves and protect the existing terminal slipway for users and vessels. Waves propagating from the prevailing southerly direction have resulted in a high number of ferry cancellations in recent years as a result of weather conditions. The new breakwater proposal is to mitigate against this risk and improve reliability of the lifeline ferry service by reducing wave heights at the slipway.
- 1.6 The breakwater will be located approximately 70m south of the existing slipway and this element of the Works will have a total footprint of approximately 2.18 hectares. This will consist of a breakwater of 185m crest length and 4m width. The maximum crest level will be 7.71m CD, with a 2:1 slope on the outer face (non-slipway side) and 1:1.5 on the inner face (slipway side).
- 1.7 The base of the breakwater will be lined with 12,000m² of tear resistant geotextile membrane and the bedding placed on top of this layer will comprise of a 500 millimetre deep layer of 300-1000 kilogram (“kg”) graded rock. The core will be constructed of 1000-3000kg graded rock and the outer layer of 3000-6000kg graded rock. A 3m wide and 2.5m high toe will be constructed on each face of 3000-6000kg graded rock. The toe will not be visible as it will be under a layer of sediment. Therefore, an area of sediment will need to be excavated, however this material will be replaced after construction is completed. At the end of the breakwater, a 5:1 sloped structure will be constructed of 1000-3000kg of graded rock. In total, the volume of rock armour requested in the application is 129,900 tonnes.
- 1.8 Clean quarried rock will be used in the construction of the breakwater. It is likely that this will be sourced from Glensanda Quarry in Oban as it has been identified as of sufficient grading and there are marine loading facilities available. The rock armour and construction materials will be transported to site by barge, and stored below MHWS on the south side of the proposed breakwater.

- 1.9 Pre-cast and in-situ concrete (26,706kg) will be used along with steel / iron reinforcement (1,080kg) to construct an aid to navigation light beacon installation on the breakwater, with access steps.
- 1.10 The Works will also involve the removal of an existing toilet block septic tank outfall pipe with concrete surround prior to construction of the breakwater, and subsequent partial reinstatement with new pipe and concrete surround (the section from the septic through the breakwater to where it breaks through the south face only). Following completion of the breakwater, installation of final length of pipe and concrete protection for the toilet block septic tank outfall will be carried out to reinstate it to its original length.
- 1.11 Temporary deposits of navigation warning buoys and lights will also be required for the Works, and a 90m x 30m barge of 12,000 deadweight tonnes will be on site for delivery and installation of materials throughout the duration of the Works.
- 1.12 Plant and equipment to be used in the construction of the breakwater will be contractor-specific, and are as yet undetermined. However, vessels will be used for construction activities and will likely include a flat top barge for material deliveries and a jack-up barge.
- 1.13 The total duration of the Works is expected to be 52 weeks, and will be completed within the requested 3 year period of the licence. The design life of the breakwater structure is estimated to be approximately 120 years.
- 1.14 The EIA Report received related to both marine and terrestrial aspects of the project, and was also submitted to Argyll and Bute Council planning authority in relation to an application for the construction of a breakwater, demolition of existing toilet block, erection of replacement toilet block and installation of a septic tank. This decision notice considers only the information relevant to the marine environment.
- 1.15 The EIA Report contained a section relating to terrestrial noise and vibration. Scottish Ministers are content that these receptors fall within the remit of the planning authority considerations of the EIA Report and associated planning application, and have been adequately assessed by Argyll and Bute Council as part of the terrestrial planning process. As such, these topics will not be considered further in this decision notice, beyond the impacts on population and human health, covered under that topic.
- 1.16 This decision notice contains the Scottish Ministers' decision to grant regulatory approval for the Works as described above, in accordance with the 2017 MW Regulations.

2. Summary of environmental information

- 2.1 The environmental information provided by the Applicant was:

- An EIA Report that provided an assessment of the impact of the Works on a range of receptors.
- A Best Practicable Environmental Option Assessment in respect of dredging activities.

2.2 A summary of the environmental information provided in the EIA report is given below.

Navigation and Safety

2.3 The Applicant conducted a full Navigational Risk Assessment to assess the impact on navigational safety from a study area comprising of the Works and dredger / disposal craft routes between the Works and deposit site. Based on the scale of the Works, the navigational baseline, existing guidance and stakeholder engagement, a number of scenarios were identified for further assessment in relation to both the construction and operational phases. These included potential allision, collision, sinking, displacement and lifting gear failure events associated with the plant and vessels conducting the Works, as well as the completed breakwater itself. Effects were assessed on the basis of the sensitivity of the receptor, and the magnitude of the potential impact.

2.4 A high density of vessel traffic was identified within the Sound of Iona characterised into 2 main groups: passenger vessels transiting across the Sound from Fionnphort on Mull to Baile Mòr on Iona (the route used by the ferry and tour operators) and primarily fishing vessels (along with recreational and some tour vessels) transiting through the Sound. There was also a high volume of traffic from Fionnphort and the Bull Hole Channel, which currently is used for overnight berthing of the ferries and an anchorage used during bad weather by local boat owners. The Sound is approximately 0.7 nautical miles wide and 4 nautical miles long. These conditions result in an existing risk of navigational incidents, with a number recorded during the 2010 – 2019 period.

2.5 However, the Applicant concluded that there would be no significant or cumulative effects, with all receptors being given a minor adverse significance other than the potential for tug and tow collision with other vessels during the construction phase, the significance for which was concluded to be no more than moderate adverse. A number of mitigation measures were also identified by the assessment, relating to information sharing and communication, provision and maintenance of aids to navigation, planning and forecasting, carrying of AIS, use of a safety boat, maintenance and lighting. Implementation of the mitigation was determined to be likely to reduce residual effects to minor adverse, which was concluded to be as low as reasonably practicable, as applied within the context of the Port Marine Safety Code.

Terrestrial Biodiversity

2.6 The EIA Report details the terrestrial biodiversity surveys which were undertaken to assess the presence and use of the application and surrounding area by protected and notable species of the intertidal and nearshore coastal area. Surveys

undertaken focussed on the qualifying species of coastal and marine designated sites of nature conservation interest associated with the Sound of Iona and wider area within the Seas of the Hebrides. The results found that the notable and protected species recorded within 2 km of the area proximate to the Works include Eurasian otter, west European hedgehog and common lizard, of which none were identified within the application site boundary. The area around the Works was found to offer no suitable habitat for reptiles, and no signs of otter were recorded, with the application site being deemed to have limited connectivity to inland freshwater foraging habitats. The Report considered that high levels of disturbance associated with the existing presence and use of the ferry terminal, as well as the existing settlement, mean that it is unlikely that the habitats within the development site would be used by otter.

- 2.7 A Phase 1 Habitat Survey was undertaken within 100m of the site of the Works. This identified that, as the majority of the proposal would be located offshore, the terrestrial habitats recorded were limited to an area of rock and boulders above the high tide. The coastal habitats to the west of the Works were identified as comprising a mixture of coastal rock, sand habitats and grassland habitats. The findings of the survey indicated that the only impact predicted to have a minor, though not significant, effect relates to injury to otters during construction.
- 2.8 The Applicant proposed mitigation in the form of the production of an Otter Species Protection Plan, the production of a Construction and Environmental Management Plan and an Ecological Clerk of Works, in order to reduce the potential risk to otters. No additional mitigation measures were deemed to be required for the operational phase of the development and the survey concluded that the residual impacts on habitats and otters after the implementation of mitigation measures would be of a minor magnitude and negligible significance.

Marine Biodiversity

- 2.9 Impacts on marine biodiversity in the area were assessed by the Applicant, extending to a 100km radius from the Works in order to capture receptors with potential connectivity to the Marine Biodiversity Study Area immediately around the development site. Desk studies, site surveys (including sampling), consultation, guidance, policy and legislation were considered in establishing the baseline, analysing impacts and identifying mitigation. Marine mammals, fish, shellfish and benthic habitats (including those classified as qualifying interests in designated sites) which could be impacted by the Works were identified as part of this, focusing primarily on Important Ecological Features ("IEFs"). The magnitude of impact and sensitivity of each receptor was evaluated in determining the significance of effect. Ornithology and terrestrial aspects were considered separately.
- 2.10 In total, 7 designated sites were identified as falling within the 100km assessment radius: the Sea of Hebrides Marine Protected Area ("MPA") and the Inner Hebrides and the Minches Special Area of Conservation ("SAC") (both overlapping with the development area), Treshnish Isles SAC (15.5km from the development), Loch Sunart to the Sound of Jura MPA (33km), Eileanan agus Sgeiran Lios mor SAC

(51.5km), South-East Islay Skerries SAC (75.6km) and Sound of Barra SAC (91.2km).

- 2.11 The dredging aspect of the Works was concluded to be of highly localised spatial extent, have a short-term duration (up to one week annually), and as a result likely to have only negligible or minor effects on fish, shellfish and / or benthic ecology.
- 2.12 With respect to benthic ecology, seabed sediment analysis and intertidal and subtidal surveys were carried out. No Priority Marine Features (“PMFs”) were recorded during the intertidal survey at Iona (although kelp was observed/noted at two locations in the northern portion of the survey area, these observations alone did not provide enough evidence to confidently define boundaries and extent of features potentially representative of kelp bed habitats). Subtidal surveys found that the predominant sediment type in the area was sand, with content varying between approximately 75% and 100%. Mud content was low, making up a maximum of 1.6% in samples. The subtidal survey recorded PMFs, including seagrass (*Zostera marina/angustifolia*) beds (covering 5.1% of the area), ‘kelp and seaweed communities on sublittoral sediment’ (31.4% of the area) and ‘kelp beds’ (0.001% of the area).
- 2.13 The Applicant’s assessment determined that all effects regarding the temporary disturbance / loss of habitat arising from the displacement / compaction of the seabed by anchors and jack-up barge spud legs, were either negligible or minor, which is not significant in EIA terms. Whilst the effects from the permanent loss of habitat arising from the placement of material on the seabed for the breakwater was considered to be minor or negligible for most IEFs and PMFs, the impact on seagrass was concluded to be moderate, which equates to a significant effect in EIA terms. No mitigation could be considered in respect of this effect as the breakwater would directly affect the receptor via the placement of rock armour on its footprint. There was also potential for cumulative effects when coupled with the proposed Fionnphort Ferry Terminal development on Mull, across the Sound of Iona, although that proposal has yet to obtain the necessary consents to proceed.
- 2.14 Due to the likely significant effect identified, the Applicant proposed a ‘Seagrass Compensation and Monitoring Plan’. This will involve a seagrass restoration project, with an approach to be agreed following assessment and engagement with stakeholders. In addition, the breakwater will create a new permanent habitat which is expected to provide minor positive impacts on certain fish, shellfish, and benthic ecology.
- 2.15 The effects of underwater noise associated with dredging, vessels and construction was assessed to be negligible, and the Applicant removed from the scope of the assessment any potential for disturbance or collision risk to marine mammals from vessels as they considered there to be no significant increase in traffic.
- 2.16 The EIA Report stated that an appraisal carried out could not exclude likely significant effects on 3 of the designated sites (Inner Hebrides and Minches SAC; Treshnish Isles SAC; and Eileanan agus Sgeiran Lios mor SAC), and therefore further assessment was carried out to ensure that the Works will not undermine the conservation objectives of the sites concerned, and as such will not adversely

affect the integrity of any designated site provided the mitigation measures in the following paragraph are adhered to.

- 2.17 The mitigation measures relevant to marine biodiversity which are embedded as part of the Works include a Construction Environmental Management Plan (“CEMP”), Environmental Management Plan (“EMP”), Invasive and Non-Native Species (“INNS”) Management Plan and navigation systems onboard vessels that can aid in placing either anchor or jack-up legs to avoid these sensitive features. The CEMP will set out best practice and mitigation to control pollution during construction, including monitoring in relation to noise, water quality and waste, whilst the EMP will manage the risks of all operational activities, facilities and cargo handled by the port. The production of an INNS Management Plan is intended to detail the risk of introduction and spread of INNS and what measures will be in place to ensure vessels, plant, equipment and materials are used in accordance with best practice.

Ornithology

- 2.18 Near shore coastal surveys and desk studies were conducted to assess the impact of the Works on Important Ornithological Features (“IOFs”). This was further informed by legislation, policy, guidelines, local records and consultation with stakeholders. The surveys were designed to assess the presence and use by protected and notable bird species of the intertidal and near shore coastal habitats within the Iona Breakwater development zone. The surveys focused particularly on the qualifying species of coastal / marine designated sites of nature conservation interest. The scope included: international sites designated for ornithological features within 30km of the Works; sites designated for all other ornithological features within 5km, where there may exist ecological connectivity between the Site and qualifying bird populations; records of notable and protected species within 2km; and monthly ‘Through the Tide Counts’ between April and August 2021 inclusive for intertidal and nearshore birds within 500m. The extent, magnitude, duration, timing, frequency and cumulative effects of the impacts were considered as part of the assessment, along with the ease of reversibility.
- 2.19 Four relevant international designated sites were identified to lie within 30 km of the Works: Treshnish Isles Special Protection Area (“SPA”), Coll and Tiree SPA, and North Colonsay and Western Cliffs SPA and Cnuic agus Cladach Mhuile SPA. A total of 16 bird species (typically common and widespread coastal birds) were recorded during the surveys, of which two were qualifying species for SPAs within 30km black-legged kittiwake and great northern diver which were both recorded in very small numbers. The most commonly observed species recorded were greylag goose and shag. All species were recorded in very low or low numbers compared to their national breeding and wintering populations.
- 2.20 As no other bird species within the study area were considered to be impacted other than negligibly, the IOFs included for further assessment were the graylag goose, oystercatcher and shag. Potential impacts were identified as temporary disturbance / loss of habitat arising from noise and visuals associated with construction, permanent loss of habitat arising from reclamation of seabed, and

temporary effects on prey species due to underwater noise, increased suspended sediment concentrations and sediment deposition. However, the assessment found that the impact of disturbance and loss of habitat caused by construction activities was predicted to be of local spatial extent, short-term duration, involving small numbers, and reversible. Coupled with a suitable alternative roost and foraging locations within a short distance of the Works resulted in the overall magnitude of change for all species being assessed as minor or negligible adverse, and deemed a non-significant effect. With regard to the operational phase of the Works, it was concluded that the birds and prey species in the area will already have a tolerance of disturbance from human and marine activity, and any increase would have a negligible impact.

- 2.21 Despite a lack of significant effects noted, the applicant committed to measures to reduce disturbance. Works around the nearshore area shall be undertaken as far as is practical during the period between September and April during construction in order to reduce impacts on non-breeding populations, which were determined to be the most highly sensitive IOFs. Year-round mitigation will include the use of sound walls and any modification of drilling rigs that would reduce noise levels. Works undertaken in the vicinity of roosting birds or near occupied nests of sensitive species will be supervised by a suitably qualified and experienced Ecological Clerk of Works (“ECoW”) to determine if additional measures may be required.

Water Quality

- 2.22 Baseline data was available from the Scottish Environment Protection Agency (“SEPA”) Water Framework Directive (“WFD”) monitoring programme. The Sound of Iona coastal water body is currently classified at high ecological status and therefore must not be allowed to deteriorate unless a derogation under Article 4(7) of the Habitats Directive is justified. Potential impacts were identified from dredging, potential effects on hydromorphology from the operation of the breakwater, and potential accidental pollution events. In order to maintain high ecological status, the morphological status must also be classed as high.
- 2.23 The key issues throughout the construction phase are associated with the physical disturbance in the marine environment, particularly dredging activities and the potential impact this may have on the Inner Hebrides and the Minches SAC, and its harbour porpoise qualifying interest. Formal assessment was conducted in respect of the dredged materials via sediment sampling and ground investigations. This included 3 seabed sediment cores within the dredge area and 6 grab samples in the vicinity of the breakwater. Analysis concluded chemical Action Levels (“AL”), as determined by Marine Scotland (now Scottish Government Marine Directorate), were all below the level of contamination that could draw concern (ie. under the AL1 and AL2 thresholds).
- 2.24 Coastal process monitoring anticipates that the impacts of dredging resulting in suspended sediment in the water column are low due to the larger particle size of the dredge area. Sand and gravels disposed of at the open licensed disposal site are expected to remain at the site and not increase the background level of

suspended sediments outside of the area, resulting in a negligible impacts on the wider water body and minor impacts on localised water quality. However, in the absence of mitigation measures, the impact of construction activities may result in temporary, localised impact to water quality in the immediate vicinity of the breakwater. Accidental spillage from vessels was considered and mitigation methods against this will include following standard pollution prevention guidelines and GPP 21: Pollution incident response planning (NIEA / DAERA / SEPA / NRW, 2017). Mitigation will also be in place in respect of fuel / potentially harmful materials at the Works site, including bunding and secure storage, safe refueling operations, machinery maintenance and the availability of emergency spill kit and oil spill containment equipment at strategic locations adjacent to the Works. An Oil Spill Contingency Plan will be adhered to in the event of an accidental discharge. Relevant guidance will also be followed throughout.

- 2.25 Due to the very high importance categorisation of the Sound of Iona water body, the above mitigation is required to reduce impacts to a minor level that is deemed not significant, both in respect of dredging and accidental chemical spillages.
- 2.26 The permanent long term habitat loss of Seagrass beds within the new breakwater footprint following the construction phase outlined above could impact on biological elements that contribute to the ecological status of the waters. Although the breakwater may be colonised by species in the area, resulting in a beneficial effect on benthic ecology, the overall impact was deemed to be of a Likely Significant Effect. As indicated above, a restoration project has been proposed to offset this with the aim of no net loss of habitat. Other biological elements are deemed to be of low vulnerability, high recoverability and local to international importance.
- 2.27 Transitional and Coastal waters Morphological Impact Assessment System (TraC-MImAS), a risk-based decision support tool, was utilised to evaluate any potential deterioration of the water body status as a result of hydromorphological changes. This found that the Works would not result in an overall deterioration in the ecological status at the water body status. Cumulatively with the proposed Fionnphort development, the MImAS result also concluded that there would be no significant impact. However, the ECoW will undertake regular checks and monitoring of grab samples, while auditing of the contractor's environmental controls will also be undertaken.
- 2.28 On the basis of the assessment and mitigation proposed, the Applicant concluded that the Works are not expected to have a significant effect on water quality or the ability of the waterbody to continue to achieve its WFD objectives.

Flood Risk

- 2.29 A desk-based assessment and consultation was undertaken to determine the potential flood risk associated with the Works. The assessment was carried out taking account of Scottish Planning Policy ("SPP"), SEPA guidance and the Argyll & Bute Council Local Development Plan. Only coastal flooding was found to be a possible source of flooding. The assessment concluded that SPP would consider the site as Medium to High Risk, with SEPA flood maps identifying the risk of

coastal flooding at an annual probability rate greater than 0.5%. However, SEPA 'Flood Risk & Land Use Vulnerability Guidance' would classify the Works as 'Water Compatible Uses', which are generally considered suitable for development in all flood risk areas, whilst the Argyll and Bute Local Development Plan allows for essential development, including in relation to transport, within medium to high risk areas.

- 2.30 Due to the risk, mitigation measures are required. During construction, SEPA and the Scottish Flood Forecasting Service's 'Floodline' can be used by the contractor to improve readiness for extreme tidal events and minimise impacts. The existing pier and slipway are already at risk of coastal flooding. As no new receptors will be introduced to that area, there will be no increase to the overall flood risk. The breakwater has been designed to withstand extreme tidal events, therefore no mitigation measures have been proposed to manage flood risk to the structure in relation to its operational phase. Likewise, no mitigation has been proposed in respect of the flood risk elsewhere on the island as a result of any change to the existing tidal regime due to the development as the impact has been determined to be negligible. However, Floodline and forecasting will be used to increase preparedness for flooding and inform closures, evacuation and ferry cancellation to minimise risk to users of the development.

Coastal Processes

- 2.31 Along with hydrographic survey and site-specific sediment data, a hydrodynamic numerical modelling software package was used to assess the pre and post-project scenario in respect of potential coastal processes impacts / issues associated with the tidal regime, inshore wave climate at high water springs, littoral currents and sedimentology. In order to achieve a more robust assessment, a 1 in 200 year event worst case scenario was used rather than the 1 in 100 year event supported by Marine Scotland Science during the scoping process.
- 2.32 The dredge process will unavoidably cause disturbance of sediment on the channel bed and dispersal of some material in the water column. However, the impact is expected to be low due to the material consisting primarily of larger particle size (sand and gravel), with any overspill being likely to immediately settle. The removal of dredged material to the licensed deposit site should not increase the background level of suspended sediments outside of that area. In addition, it was noted that the sediments to be dredged from the navigation channel are below the Marine Scotland chemical AL 1 and 2.
- 2.33 Likewise, construction activities associated with the breakwater were concluded to have minimal impact potential on coastal processes.
- 2.34 Modelling concluded that the tidal regime would also remain substantially unchanged during the operational phase of the breakwater, with the localised nature and small absolute magnitude of any predicted changes in tidal current velocity making it unlikely that there will be any significant change in net scouring or deposition of sediments within the centre of the Sound of Iona. Neither were

wave heights found to be significantly affected by changes to water levels during the operational phase.

- 2.35 The assessment concluded that there is little difference between changes in littoral current magnitude and the tidal flows alone due to the breakwater. However, during the flood tide, the outside of the breakwater exhibits an increase in littoral current. An increase was also observed during the ebb tide, and there were areas where littoral currents reduce within the lee of the breakwater for both phases of the tide. During flood tide, when the greatest littoral current speeds occur due to a combination of the tidal flow and wave climate travelling in the same direction from south to north, there was found to be the potential for the greatest scour to occur around the ends of the proposed breakwater. Scour protection is proposed to mitigate the impact of this. In addition, maintenance of the breakwater would be required as rock armour would move / adjust for a period of time. The breakwater would be monitored for 2 years following the construction, and any movement recorded and reported. After this, the breakwater would be inspected as part of the seabed bathymetric surveys regime.
- 2.36 Wave diffraction at the breakwater is expected to cause a steep gradient in the wave heights and wave energy, between the waves on either side of the breakwater. The changes to the wave climate behind the structure are generally considered significantly beneficial and would improve the safety and general operations of the ferry terminal. However, modelling predicted that an anticlockwise eddy flow will result in sediment being carried into the lee of the breakwater, causing infilling of the proposed dredged pocket. In order to mitigate against this, regular maintenance dredging will be required.
- 2.37 The Applicant considered the proposed Fionnphort development to be most likely to have potential for in-combination effects on coastal processes with the Works if both were operational. However, the effects on the tidal regime were deemed negligible due to the small changes in current velocities in the centre of the Sound of Iona. The cumulative effects on the wave climate, littoral currents and sedimentology were also deemed to be negligible.
- 2.38 Overall, the assessment concluded that, with fully implemented mitigation measures in place, the Works are not expected to have a significant effect on coastal processes or make a significant change to the existing morphology during construction or operation.

Population and Human Health

- 2.39 The Applicant scoped a number of health determinants out of the assessment on the basis of non-relevance. Left for consideration were: open space, leisure and play; transport modes, access and connections; education and training; employment and income; and noise and vibration. These were considered at a 'site-specific' (Mull, Iona, Coll and Tiree), 'local' (Argyll and Bute) and 'national' (Scotland and beyond) level against existing legislation, policies and relevant guidance. Other topic areas of the EIA were used along with other existing data

sources to compare the baseline with impacts during the construction, operation and decommissioning of the Works.

- 2.40 Baseline statistics for the local and regional populations were found to be generally on a par or better than national averages with regard to life expectancy, physical and mental health / lifestyle. Positive local baseline figures were also identified for Iona compared nationally in respect of socio-economic circumstances and deprivation.
- 2.41 The assessment considered bio-physical environmental impacts, specifically from noise associated with construction activities on those in the vicinity of the Works, potentially causing cardiovascular effects, annoyance, sleep disturbance (and consequences arising from inadequate rest) and detrimental learning outcomes. Whilst sensitivity to the general population (those members of the community in good physical and mental health and with resources that enable a high capacity to adapt to change) was deemed to be low, vulnerable groups were found to be more sensitive to noise, with those spending time in the small number of affected dwellings in the vicinity of the Works particularly susceptible. However, mitigation put forward to reduce the impacts include the use of silencers for mechanical plant and equipment, and communications informing residents of the timing and duration of activities that may produce high noise. Prolonged periods of construction noise at night or daytime disruption of educational activities at schools are not anticipated. Overall, the assessment concluded that the impact was adverse, but non-significant, on the population as changes were minor, affecting a minority of the population and of a short-term duration.
- 2.42 Time spent on / near blue space (outdoor environments that feature water) was identified as having a potentially beneficial effect on mental health. The construction and dredging proposed could impact on sea-users, including kayakers and sail boats. Changes in access and disruption to physical activity recreation were found to have a minor adverse effect on population health as a result, although no significant differential was expected between the general population and the vulnerable sub-population. General mitigation via standard good practice, set out in the CEMP, would be used to designate and communicate safe routes in the vicinity during construction. The assessment found that health inequalities were unlikely to widen.
- 2.43 The Works were seen to be of benefit to the local economic environment, with potential employment, income and upskilling opportunities arising from the construction activities. Given the small size of the local population, minor opportunities could have relatively large impacts. While employment opportunities may be short term and reversible on completion of construction, upskilling could have longer lasting effects. Benefits may be partially offset by potential disruption to tourism and fishing, but overall, the assessment concluded there would be a minor (not significant) beneficial effect on health associated with economic factors, and mitigation through the CEMP would also reduce disruption by providing designated safe transport routes through the Sound of Iona.
- 2.44 On completion of the Works, the Applicant considered that safety around the pier and breakwater for recreational sea-users would potentially result in positive

physical and mental health outcomes, as well as increased uptake in activity. In addition, improved access to lifeline services and medical supplies would likewise benefit local population health, particularly the vulnerable. Overall, the benefit was concluded to be of moderate (significant) effect on population health. Improved transport on and off Iona was also identified as widening access to education, training and employment off the island, as well as supporting tourism income on the island. These socio-economic factors and indirectly associated positive effects were determined to have a minor beneficial (not significant) effect on population health overall.

Landscape and Visual

- 2.45 A landscape and visual impact assessment was carried out using best practice guidance to evaluate the effect of the Works, factoring in the scale, importance and sensitivity of the landscape or visual baseline condition. This was determined through a combination of quantitative and qualitative assessment using professional judgement, using available data as well as site visits. Impacts associated with construction were considered to be short term and reversible, while those over the operational phase were deemed to be long term. The study area incorporated the Zone of Theoretical Visibility- where views of the Works could potentially be obtained- in order to represent a worst case scenario. Overall impacts were determined by evaluating the magnitude and sensitivity combination via a significance of effects matrix.
- 2.46 Iona is known for its abbey, other historic buildings and its scenic and tranquil qualities, making it a popular visitor destination. It is also of a place of religious significance, with the medieval monastery which dominates the coastline commanding international recognition as the cradle of Scottish or Celtic Christianity. The landscape consists of undulating moorland with frequent rocky hills and outcrops. Properties are scattered in small groups along the network of narrow roads, along with a number of isolated farmhouses and cottages. Settlement on Iona is confined to the central coastline of the island at Baile Mòr and immediately south.
- 2.47 The Works lie within the Baile Mòr Conservation Area, which contains a number of heritage sites, including the Category A listed St Mary's Abbey building, the Iona Nunnery scheduled monument, and part of the St Columba's Way path. A number of other core paths lie in the vicinity of the Works. Along the coastline, Iona has small inlets and bays that are frequently sandy, backed by small dunelands/machair. The coastal topography is mainly smoother and less rugged than on the Mull side of the Sound of Iona. Ferry users, kayaks, pleasure boats and fishing vessels are amongst the receptors using the waters in the Sound. Iona's coastline is designated as an Area of Panoramic Quality, and the island is identified as lying within a Local Landscape Area.
- 2.48 The proposed breakwater will form a new, prominent feature in local views from the eastern coastline of Iona, but will be less noticeable elsewhere but still visible from the western coastal fringe Ross of Mull. The coastline will be visibly altered, but the Applicant considered that the magnitude of change will be offset by the fact

that it is located at the existing harbour site which is already a landscape feature itself and, additionally, that the rock used to construct the breakwater should reflect the adjacent rocky shoreline over time. Visibility of the Works will diminish rapidly further inland on both Iona and Mull due to screening effects provided by existing topography, and will not be visible beyond the localised area north and south of the existing harbour. However, the effects were found to be moderate to major, direct long-term, and considered significant for localised eastern coastal fringe areas (with significance reducing with distance from the breakwater).

- 2.49 No specific landscape mitigation has been proposed, although 'in-built' design measures are expected to reduce the impact. This includes optimising the breakwater height as low as possible, the use of natural rock materials and using the minimal lighting required for safety. Cumulative effects when considering the Works with the Fionnphort breakwater and overnight berth proposal and the Iona to Fionnphort cable installation project were assessed to be not significant.

Cultural Heritage

- 2.50 The Applicant assessed the impacts on cultural heritage against national policies and guidance, using a study area consisting of the surrounding 500m around the Works, which includes three scheduled monuments (Iona Nunnery, MacLean's Cross and St Mary's Abbey) and four Listed Buildings (Category A: Iona Abbey; Category B: Iona Kirk; Category C: Iona Manse and Replica of St John's Cross). These individual nationally important structures are considered of international importance when grouped.
- 2.51 No recorded marine heritage assets were identified in the area, although a reporting protocol has been developed to allow for the appropriate recovery and recording of any cultural material encountered during the construction phase below the high-water mark.
- 2.52 Due to its scale and contrasting appearance with the existing environment, the breakwater was assessed as likely to be experienced as incongruous and intrusive. This was considered to detract from the overall aesthetic and spiritual experience of visiting the nunnery as part of an extensive ecclesiastical site, and as part of the pilgrims' walk to the abbey, nunnery and crosses. Visitors would typically disembark next to the breakwater before walking the short distance to the important religious sites. In particular, the St Mary's Abbey is the single largest building and, although the breakwater is not directly in front of the abbey, due to the scale of the Works, its proximity to the viewer and unnatural appearance, it was deemed likely to distract and therefore detract from the abbey's aesthetic appreciation- in a landscape that is almost entirely natural and which may be regarded as almost unchanged since Columban times- as well as some visitor's spiritual experience on the ferry's approach.
- 2.53 In addition, the breakwater will dominate Martyrs Bay, impacting on the view from the bay to the abbey and vice-versa. These views are regarded as being of cultural significance due to the historic relationship between the abbey and the bay. The applicant considered that the breakwater's prominence at Martyrs Bay would

detract from the aesthetic experience of views within Iona Conservation Area and reduce their wild, undeveloped character.

- 2.54 Overall, the assessment concluded that there would be adverse impacts of a moderate significance on cultural heritage as a result of the Works effect on the landscape when the breakwater is completed. In terms of the EIA Regulations, this would be categorised as a significant effect. No mitigation was identified to be possible in respect of the operational phase of the Works to reduce or offset this.

Waste

- 2.55 Effects from the construction and operational phases of the Works as a result of the forecast waste generation, movement, transport, processing, and disposal were assessed in the context of regional waste management treatment and landfill infrastructure capacity, legislation, policy and strategy targets. Significance of effects were again determined using a matrix based on the sensitivity of the receptor and magnitude of impact inputs.
- 2.56 There is no specific Waste Management Plan in place for Iona Ferry Terminal, however its operator, Caledonian MacBrayne Ferries Ltd. have an Environmental Strategy for 2021-2023 which includes as a core priority to “generate minimal waste and sustainably use materials”, and aims to achieve the Scottish Government recycling and landfill targets by 2025 using the waste hierarchy (Avoid -> Resource Recover -> Disposal) and prioritising waste prevention.
- 2.57 Current waste arising at the site are a typical mix of recyclable and residual material, accompanied by mixed litter generated from passenger footfall. The operator provides recycling facilities for customers to recycle on the go. All waste generated and/or received at Iona Ferry Terminal is currently managed and disposed by local authorities or licenced waste contractors using their disposal route.
- 2.58 During the construction phase, typical waste materials will arise from site management practices, for example, excess materials and packaging, over-ordering materials, off-cuts, damaged materials and poor storage. Waste arising from the site welfare facilities and site compound, general office waste such as paper, packaging and canteen waste will be collected in covered skips/large bins for disposal by a licensed waste contractor, whilst sewage from the temporary site toilets will be emptied for disposal at an appropriate facility. The assessment found that there is the potential to have a Neutral or Slight effect due to the increase in waste being generated and the potential for this waste to be sent to landfill over a short-term duration. However, the intention is to achieve a high rate of diversion from landfill through reuse, recycling and recovery throughout the construction phase.
- 2.59 The majority of material associated with the dredge activities will be disposed of at the Portnahaven authorised offshore deposit site. Gravel and larger pockets of material may be re-used on site where feasible, whilst special waste, such as oils & lubricants, will be source segregated before treatment and / or disposal and then

independently moved to a secure collection point. It will then be collected by a specialist contractor for transfer. During the operational phase, maintenance dredging will be required, again likely using an authorised deposit site for the dredged material.

- 2.60 The Works may result in a slight increase in tourism using the ferry service and fishing / commercial vessels using the berthing opportunities which is likely to result in a slight increase in litter and waste generation, and assessed to be a neutral or slight adverse impact.
- 2.61 A number of mitigation measures have been identified in respect of waste management. Waste will only be disposed or recovered through licensed operators and in accordance with national waste legislation. A Site Waste Management Plan will be prepared and implemented by the appointed contractor for the duration of the construction works. Likewise, contractor compliance with a Construction Environmental Management Plan containing measures and procedures for the management of construction waste will be a contractual obligation, and must be adhered to by all parties involved in the construction. Monitoring will also be in place in relation to waste management, with records kept for each waste material which leaves the site, whether for reuse on another site, recovery, recycling or disposal. A final report will be prepared summarising the outcomes of waste management processes adopted and the total recycling / reuse / recovery figures on completion of construction.
- 2.62 Overall, the assessment concluded that there would be no significant effect with regards to waste. During construction, effects were determined to be short term, and within the capacity of the existing waste management infrastructure in the region. Any minor increase in waste during the operation of the port once the Works are completed was deemed as capable of being managed under the existing arrangements. No cumulative effects with any other proposals were identified.

Greenhouse Gas Assessment

- 2.63 A greenhouse gas (“GHG”) assessment was carried out to consider both the vulnerability of the Works to climate change, and the impact of the Works on climate change- through direct emissions and indirect emissions which arise as a result of activity controlled by another entity in achieving the Applicant’s proposals. This was informed by the Institute of Environmental Management and Assessment (IEMA) ‘Guide to Climate Change Resilience and Adaptation (June 2020)’ and relevant GHG assessment methodologies. Due to uncertainty over design, worst-case scenario calculations were employed, using quantitative and qualitative estimates.
- 2.64 The main emissions sources identified were those to air associated with largescale civil engineering developments- construction activities, transport of materials and the use of plant and equipment- and other inputs, such as electricity and heat load. Pre-construction, dredging, operations and maintenance (including those linked to the ferry service and future dredging) and decommissioning emissions were also

considered, although the decommissioning phase was deemed to be irrelevant as emissions relating to end of life are expected to be relatively small and insignificant on the basis of technological advances over the 120 year lifespan.

- 2.65 The values arrived at for construction concrete, dredging, sea journeys to the deposit site, transportation of rock armour, and the rock armour itself were all deemed to result in negligible change, with estimated emissions + 0.1% of total emissions across the relevant five-year UK Carbon Budget period in which they arise. In addition, the vessel movement emissions relating to construction and capital dredging were highlighted as being temporary. The applicant did not consider the Works to contribute to a significant impact on climate change.
- 2.66 Construction activities were considered to be resilient to impacts from climate risks through adapting working methods and timing. Medium to longer term impacts during the operational phase from climate change and more frequent severe weather events were found to pose a risk in respect of material and asset deterioration, health and safety risks to ferry users, damage to access roads, and flooding. Again, adaptations to these situations were likely to mitigate the effects of such events.
- 2.67 Mitigation against the climate change and GHG emission risks includes the development of an Operational Environmental Management Plan to guide ongoing operations and maintenance activities during the life-cycle of the project, setting out procedures for managing and delivering the specific environmental commitments as per each technical chapter for each receptor over the operational period. Further mitigation proposed by the Applicant is that all vessels used will adhere to the International Convention for the Prevention of Pollution from Ships, to ensure that the potential for release of pollutants is minimised during operations. The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the 'BWM Convention') is also to be adhered to. The assessment concluded that these measures will result in the Works being resilient to climate change and, as such, no monitoring is proposed.
- 2.68 Although cumulative impacts are to be expected, the assessment assumed that all developments would be required to meet relevant standards for emissions reduction and to comply with related planning policy. On that basis, the applicant considered it appropriate to assume that any applications that are consented include 'reasonable' measures to avoid, reduce and / or offset the generation of greenhouse gas emissions, and therefore that no significant cumulative effects were expected. It was, however, acknowledged that the impacts from the Works would be transboundary and the social, economic and environmental effects felt on a global scale.

Risk of Major Accidents and Disasters

- 2.69 Each receptor that has a chapter dedicated to it in the EIA was identified for consideration of its potential to result in a major accident or disaster as a result of the Works. In order to assess the risk, hazards were identified and worst-case environmental impacts evaluated, grouping risk events where appropriate. The

likelihood of risk events was considered, alongside potential mitigation. The resultant grouped risk events were given further consideration: major boat / construction vessel collision / allision; accident to the general public on or near the shoreline; man overboard during construction; major pollution or sedimentation event affecting nearby designated sites / areas; major coastal flood event during construction of the breakwater; and scour of the toe of the breakwater leading to movement and/or damage that could cause a health & safety risk. The reasonable worst-case scenario identified for these potential events was the death and/or injury to a member of the public, construction / maintenance worker or vessel operator; and in the case of pollution, a severe long-term or permanent detrimental impact on Designated Sites and their qualifying species / features. However, while the impact outcomes of these events were considered to be high and irreversible, they were also deemed to be of a low likelihood, particularly when mitigation measures are applied. The exception to this was the risk of major pollution or sedimentation, which was seen as being more likely to occur due to the dredging activities and disposal at sea of dredged materials. Although there was found to be an unlikelihood of any direct impacts on designated sites, there may be indirect impacts in the short-term near the disposal area, with the nearest designated site being the Oa SSSI on the coast of Islay (approximately 20km from Portnahaven), which is of special importance for its breeding chough *Pyrrhocorax pyrrhocorax*.

- 2.70 A wide variety of mitigation measures have been identified to reduce the likelihood of Risk Events. These measures are designed to significantly reduce the potential for major accidents and disasters relating to the project. Despite this, a low level risk of a major accident or disaster occurring will remain. However, it was determined that this risk is not likely to be significant in EIA terms.
- 2.71 Potential for cumulative effects were identified when considered alongside the proposed Fionnphort Breakwater and Overnight Berthing Project and a proposed British Telecom (BT) Cable installation between Iona (approximately 900m south of the proposed breakwater) and Fionnphort. Where these projects occur concurrently, there is potentially a cumulative risk for major accidents and disasters. However, through adherence to the mitigation proposed within the EIA, the Applicant's assessment determined that the likelihood of an event occurring would remain low. There would however remain a residual risk irrespective of mitigation.

3. Consultation

- 3.1 In accordance with the 2017 MW Regulations advertisement of the marine licence application and EIA Report was made in the local and national press and the applicant's website. Notices were placed in the public domain and the opportunity given for those wishing to make representations to do so.
- 3.2 The dates for the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken post consent.

Document	Date received	Consultation Period	Publication
EIA Report & Appendices	11 September 2023	08 November 2023 – 08 December 2023	Marine Scotland Information website (28 September 2023)
Marine licence application & supporting documentation			Argyll and Bute Council website (17 October 2023) Paper copies distributed to Iona and Fionnphort Ferry Terminals (01 November 2023) Oban Times (02 November 2023) Edinburgh Gazette (03 November 2023)

3.3 A summary of the responses is set out at section 4,5 and 6. The responses are available in full here:

4. Summary of statutory consultee responses

4.1 **Historic Environment Scotland (“HES”)** responded in relation to the dredging application on 28 November 2023, noting that there were no designated or undesignated assets within the dredge area, and that it was satisfied that the likelihood of significant impacts to unknown marine assets or paleo-environmental remains low, given the exposed nature of the coastline, the absence of recorded maritime casualties, and the sand/clay character of the sediments. A requirement to carry out any pre-development or assessment, or subsequent mitigation, was considered not to be proportionate by HES. No comments were provided in relation to sediment dispersal at the deposit site.

4.2 With respect to the application for the construction of a breakwater, HES responded on 04 December 2024, giving consideration to the setting impact on St. Mary’s Abbey and Iona Nunnery. It was HES view that no issues of national significance was raised with regard to these scheduled monuments. HES also considered potential impacts on undesignated maritime assets, concluding that although there had been a series of maritime losses recorded in the vicinity of Iona there was no indication that any of these foundered in the vicinity of the Works. The geotechnical coring results finding that the soft deposits on the seabed are sands and clays, combined with the exposed situation of the area were deemed by HES to mitigate against the likely survival of significant paleo-environmental deposits. HES concluded that a requirement to carry out any pre-development or assessment, or subsequent mitigation, would not be proportionate.

4.3 **NatureScot** provided its response on 24 January 2024, outlining concerns in relation to both applications, and ultimately issuing a qualified objection to the proposal going ahead. The main issue raised in its appraisal related to the impact

on seagrass beds. Seagrass is classified as a Priority Marine Feature (“PMF”), and, whilst that does not offer legislative protection, Scotland’s National Marine Plan (“NMP”) includes protection of their national status across Scottish waters. NatureScot concluded that the Works will have a significant impact on the national status of the Seagrass PMF, but that this could be prevented through mitigation and enhancement conditions. Construction of the breakwater was identified as impacting the feature directly as a result of permanent loss of the habitat from the footprint of the physical infrastructure. Overall, NatureScot estimated that 0.9 hectares of seagrass bed will be lost. In addition, NatureScot identified ongoing dredging as likely to lead to an area of seagrass bed that is unlikely to recover due to the slow recovery speed. Increased siltation from dredging could potentially significantly disturb and degrade seagrass in the vicinity of the dredge area as well. Trampling and surface abrasion from the jack up barge and anchoring of vessels during construction was also deemed by NatureScot to be capable of causing significant disturbance to the seagrass beds around the breakwater footprint. Fragmentation of the seagrass bed as a result of the habitat loss and disturbance were considered by NatureScot as having the potential to compound the impacts further, through less species diversity, sediment mobilisation and reduced recoverability. However, it also considered that, whilst the habitat lost will be irrecoverable, the disturbed areas outwith the footprint of the Works would have the potential to recover with the correct mitigation measures in place. The seagrass bed loss was estimated as 1% of the total extent seagrass in the Sound of Iona, with a total disturbance area estimated as 2%.

- 4.4 Seagrass beds also make up one of the component biogenic habitats that underpin key functions of the Marine Geomorphology of the Scottish Shelf Seabed protected feature of the Sea of Hebrides MPA. This benthic geodiversity feature is the Inner Hebrides Carbonate Production Area (“IHCPA”). NatureScot highlighted that seagrass bed functions include carbon sequestration, nutrient cycling, sediment supply, sediment stabilisation and the provision of habitat for other species. However, NatureScot identified the IHCPA feature of the MPA was designated primarily for its carbonate rich substrates and their importance for the production and supply of shell-rich sands to beaches and machair. Its response indicated that seagrass only represents one aspect of the IHCPA, and when considered as a whole, relative to the biogenic habitats that contain and produce carbonate, the seagrass component was of secondary importance, as its function is to lock in carbonate rich sediments rather than supply them. On that basis, NatureScot concluded that, although the seagrass loss and disturbance was significant, it would not undermine the extent of the geodiversity feature as whole, and there is no significant risk of hindering the achievement of the conservation objectives of the MPA.
- 4.5 NatureScot, also highlighted policies GEN 5 and GEN 9(c) of the NMP as relevant in regard to the Works. GEN 5 states that marine planners and decision makers must act in the way best calculated to mitigate, and to adapt to, climate change. NatureScot’s view was that advising a development could proceed in a way that would remove and impact an important carbon sequestering habitat to a significant level without the potential for recovery would contradict the aims of this policy. GEN 9(c) states that development and use of the marine environment must protect and, where appropriate, enhance the health of the marine area. NatureScot

considered its conclusions as to the likely effects on seagrass beds meant that the marine environment would not be protected.

4.6 NatureScot put forward two mitigation measures regarding seagrass in order for its objection to be removed, as follows:

- During construction phase, measures need to be made to limit impacts on seagrass beds to the footprint of the breakwater and dredge area in order to avoid wider disturbance to seagrass beds in the adjacent areas and the Sound of Iona. These measures should be agreed with NatureScot prior to consent and secured via condition.
- Produce a Seagrass compensation and monitoring plan. This should be agreed with NatureScot prior to commencement of any licensed activities.

4.7 An offer to liaise with the Applicant was made by NatureScot in order to achieve the most effective and practical mitigation, with an initial recommendation of micrositing by avoiding the placement of anchors and jack up barges legs within areas of seagrass beds, or where that could not be avoided, limiting surface abrasion to areas with a low density of seagrass. NatureScot also identified guidance which will help the Applicant determine what is required.

4.8 NatureScot also noted that National Planning Framework 4 applies down to mean low water springs, and under Policy 3b, there is a requirement to conserve and enhance biodiversity. EIA proposals need to demonstrate that negative effects should be fully mitigated, and significant biodiversity enhancements are provided. While the rock armour itself will create a new rocky intertidal habitat, NatureScot highlighted that in order to maintain or enhance biodiversity, the seagrass restoration may need to be carried out offsite.

4.9 The other PMF identified by NatureScot was kelp and seaweed communities on sublittoral sediment. However, it concluded that the scale of the disturbance associated with the Works does not raise issues of national interest for that feature.

4.10 The Works also lie within the Inner Hebrides and the Minches SAC, and NatureScot advised that there is potential for underwater noise and vessel presence associated with the dredging and construction activities to disturb the harbour porpoise qualifying interest. However, NatureScot noted the localised, short term and nearshore nature of the activities, and concluded that as a result, the proposal would not adversely affect the integrity of the SAC. NatureScot also confirmed the deposit site for dredged material was outwith the SAC, therefore that activity would not have an adverse effect on site integrity due to this small number of transits and the greater extent of the SAC and other sea areas for the harbour porpoise to utilise during any temporary disturbance from vessel noise / presence. In respect of the operational phase, NatureScot considered the Applicants decision to scope out vessel movements as these are not expected to increase as a result of the proposal, and determined that there would be no adverse effect on site integrity.

- 4.11 Underwater noise from construction and vessels was also highlighted by NatureScot in relation to European Protected Species (“EPS”), concluding that this could result in disturbance to harbour porpoise, bottlenose dolphin, common dolphin, white beaked dolphin, minke whale, killer whale and basking shark. As such, EPS and basking shark licences would need to be applied for, although NatureScot expressed the view that it is unlikely that there will be an impact to favourable conservation status for any of the above species, based on the information provided to date.
- 4.12 While the significance of effects outlined in the EIA in relation to seals and marine mammals were in line with NatureScot’s assessment, a recommendation that consideration be given to good practice in vessel movement in proximity to sensitive species, as advised in the Scottish Marine Wildlife Watching Code, is incorporated into the CEMP, in particular to reduce potential impacts to basking sharks which are less sensitive to noise and slower to take avoiding action.
- 4.13 In respect of otters, NatureScot did not believe there would be any significant impacts from the Works, but acknowledged the mitigation proposed by the Applicant, via the production of an Otter Species Protection Plan, CEMP and the appointment of an Ecological Clerk of Works.
- 4.14 NatureScot advised that a construction phase biosecurity plan was required to mitigate against the introduction and spread of marine invasive non-native species (“INNS”) to and from the area. Concerns were raised around the risk to seagrass beds as a result of displacement from INNS, and NatureScot requested that any INNS Management Plan or biosecurity plan follow specified guidance and be agreed with them and the Scottish Government’s Marine Directorate prior to the marine licence being determined.
- 4.15 Due to the matters raised in relation to the seagrass PMF, Scottish Ministers re-engaged with NatureScot in order to address concerns that should there be any significant impact on the national status of a PMF, the Works would not comply with General Policy 9(b) of the NMP, which states that “development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features”. NatureScot were consulted on draft licence conditions designed to protect the national status of the seagrass PMF from any significant adverse impact on 02 August 2024. The proposed conditions sought to formalise the production of and adherence to a Seagrass Mitigation and Monitoring Plan (“SMMP”), ensure best practice, establish the necessity for a local enhancement and restoration project to fully offset the seagrass loss, and that this should address any unexpected damage identified during the Works.
- 4.16 In its response on 15 August 2024, NatureScot outlined recent research findings that restoration and enhancement was not necessarily best served by locating in the immediate area of the loss. Restricting the project to the local area identified by Scottish Ministers was not deemed to be the best course of action for the future resilience of the PMF, with NatureScot advising that the Argyll Marine Planning Region be the extent of the area within which the restoration and enhancement should take place.

- 4.17 Whilst NatureScot highlighted the intrinsic and unavoidable uncertainties around the emerging field of seagrass restoration, it expressed confidence that adequate mitigation, restoration, enhancement and monitoring is achievable to ensure no impact to the national status of the seagrass PMF. However, it considered that a second attempt should be factored in should these measures fail. NatureScot also sought to formalise an adaptive management approach, whereby monitoring would dictate required actions, and requested that the SMMP be presented in 2 parts as a Habitat Management and Mitigation plan and Enhancement and Monitoring plan.
- 4.18 **Scottish Environment Protection Agency (“SEPA”)** responded on 09 November 2023, referring to its standing advice (‘SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations’, September 2022). This states that SEPA do not assess applications, make site-specific comments or consider the requirement for an EIA from its perspective. The standing advice does not raise specific concerns, but advises that legislation and best practice in relation to pollution prevention, onshore works, dredge spoil and waste material above the low water mark, is adhered to.
- 4.19 **Argyll and Bute Council** responded on 28 March 2024 in relation to its role as the local Planning Authority. This raised no objections to the Works, but stipulated that they must conform to all relevant National Planning Framework 4 (“NPF4”) policies, Local Development Plan 2, and NMP policies. The response highlighted NPF4 policies relating to tackling the climate and nature crises, biodiversity, natural places, coastal development, zero waste, and rural development. The Planning Authority also considered that the Works were consistent with the following NMP policies: GEN 1 General planning principle; GEN 2 Economic benefit; GEN 3 Social benefit; GEN 4 Co-existence; GEN 5 Climate change; GEN 6 Historic environment; 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; as well as TRANSPORT 3, 4 and 5, relating to shipping, ports, harbours and ferries.
- 4.20 Specific comments were provided in relation to some of the EIA chapter topics. The Planning Authority considered it unlikely that the Works would significantly affect safe navigation or recreational boating during construction. Various specific mitigation measures were welcomed in respect of the relevant impact risks, including the production of an Otter Species Protection Plan, CEMP and the appointment of an ECoW; seabed sediment analysis, benthic intertidal and benthic subtidal surveys; a seagrass compensation and monitoring plan; an Invasive Non-Native Species management plan; the quantitative assessment, proposed Site Waste Management Plan, and Operational Environmental Management Plan.
- 4.21 The Planning Authority also recommended that an EPS licence be applied for, and that the contractor log daily cetacean sightings and prepare a report during the construction phase. Recommendations were also made in respect of water quality, highlighting that the contractor should adhere to good practice measures and follow pollution prevention strategies for working immediately alongside the water during the construction phase, as well as for the dredging activities.

4.22 Argyll and Bute Council Planning Authority's representation concluded that the Applicant had demonstrated a need for the breakwater, and that it would enable safe ferry operations to continue, providing vital island connections and services. It considered that there were no obvious major issues, and was therefore consistent with the relevant policies of the NPF4.

5. Summary of non-statutory consultee responses

5.1 **Scottish Fishermen's Federation** responded on 30 November 2023 and 08 December 2023 with regard to the dredging and breakwater construction applications respectively, requesting a 'nil return' response be filed for both.

5.2 **Royal Yacht Association Scotland ("RYA")** responded on 01 December 2023. Whilst there was no objection raised in respect of the dredging application, the RYA did note that the breakwater construction would restrict the channel north / south on the Iona shore and effectively reduce the width of the channel, although they did not object in principle.

5.3 **Northern Lighthouse Board ("NLB")** provided its response, dated 28 November 2023, on 01 December 2023. Confirming it had no objection to the Works, advice was provided in respect of navigational and marking requirements. The recommendations included that a notice to mariners be issued in respect of the construction, the breakwater to be marked with a lighting aid to navigation, further engagement with NLB in respect of the requirement for any temporary aids to navigation during construction, appropriate marine safety information on the commencement of each dredge campaign, and the submission of 'as built' plans and final survey data to the UK Hydrographic Office on completion of the Works.

5.4 **Marine and Coastguard Agency ("MCA")** responded on 15 December 2023, highlighting the breakwater should be considered as Marine Facilities in accordance with the Port Marine Safety Code (PMSC) and its Guide to Good Practice, and recommended that the Applicant adopts this. No objection was raised to the applications on the understanding that all maritime safety legislation is adhered to, the risk mitigation measures contained within the Navigation Risk Assessment are adhered to, and risk mitigation measures set out by MCA were followed. These encompassed MCA's typical requirements and advice around notification, lighting and marking, which are routinely incorporated as conditions of the licences. In addition, advice was given on bunding / storage, jack up signalling and emergency assistance, which will be highlighted to the Applicant. A request was also made that MCA should be consulted should Argyll and Bute Council apply for Statutory Harbour Authority status through a Harbour Order.

5.5 **Scottish Water** responded on 09 November 2023, concluding that it had no objection to the applications, but advising that it could not confirm whether it was in a position to provide its services to the Works. Further advice was provided in respect of surface water connections into Scottish Water's combined sewer system. Confirmation was given that there are no drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the Works.

5.6 **Argyll District Salmon Fisheries Board** responded on 10 November 2023, concluding that there was no reason for it to be consulted on the Works.

6. Advice from 3rd Parties

6.1 **Transport Scotland** provided a response to the breakwater application on 29 November 2023 and the dredging application 01 December 2023 (dated 30 November 2023). As the majority of construction materials will be transported by barge and the dredge materials will be deposited at sea, Transport Scotland advised they were satisfied that there would be no impact on the trunk road network, and as such, had no objections to the applications.

6.2 **Scottish Government, Marine Analytical Unit** provided advice on 08 December 2023, concluding that the assessment of socio-economic impacts set out in the EIA Report was proportionate and satisfactory. They also noted the mitigation measure of carrying out dredge activities at night, in arrangement with the ferry operator, to avoid disruption to ferry services.

7. Representations from other organisations and members of the public

7.1 A member of the public responded on 06 December 2023. The representation set out a number of issues with assessments and conclusions contained in the EIA Report, identified potential alternative products to those proposed to be used in the Works and provided their understanding of the legislation and policy context within which decisions should be made. The main concern raised centred on the carbon footprint of the Works, and the levels of greenhouse gases produced by the Works. The representation also raised concerns as to the lack of alternative options presented.

7.2 The EIA report contains a greenhouse gas assessment for the Works. The Scottish Ministers are satisfied that the assessment has been undertaken in line with guidance produced by the Institute of Environmental Management and Assessment - "Assessing Greenhouse Gas Emissions and Evaluating Their Significance". Embedded mitigation is also proposed to reduce the impact of the Works. The Scottish Ministers are also satisfied that the Applicant's assessment of alternative options is satisfactory.

8. The Scottish Ministers' Considerations and Main Determinative Issues

8.1 In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the Works when constructed; and

representations received from persons with an interest in the outcome of the applications.

8.2 The Scottish Ministers, having taken account of all relevant information and regulatory requirements, consider that the main determining issues are:

- the extent to which the Works accord with and are supported by the Scottish Government policy and the terms of Scotland's NMP; and
- the main effects of the Works on protecting the environment and human health and preventing interference with the legitimate use of the sea are in summary impacts on:
 - the seagrass PMF
 - Cultural heritage; and
 - Marine mammals which include impacts on a European site
 - Benthic geodiversity which includes impacts on a Nature Conservation MPA

Policy Context

8.3 As the Works are proposed to take place within the Scottish marine area, they are subject to the 2010 Act. The NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Ministers' policies for the sustainable development of Scotland's seas and provides General Planning Principles, and sector specific objectives and policies, specifically to develop offshore wind and marine renewable energy. The relevant policies were considered, with the Works being deemed to meet the requirements of the NMP and to be contributing towards achieving relevant sector specific policies and objectives. Particular consideration has been given to ensuring that the Works are in line with GEN 9 – Natural Heritage of the NMP in relation to the impacts on biodiversity and PMFs as a result of the Works. The Scottish Ministers are satisfied that provided the mitigation measures outlined above, particularly those in paragraph 4.6 and any additional measures put forward in the SMMP once submitted, are adhered to, the Works will be in line with the General Policy 9 of the NMP.

8.4 NatureScot highlighted that NPF4 applies to the intertidal area and Scottish Ministers therefore consider this as part of the policy framework relevant to the Works. Scottish Ministers are satisfied that the requirements set out by NPF 4 have been met and this is supported by the representation from Argyll & Bute Council.

Environmental Matters

8.5 The Scottish Ministers are satisfied that an EIA has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations has been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

- 8.6 The Scottish Ministers have considered fully and carefully the applications, supporting documentation and all relevant responses from consultees and third party advice.

Impacts on the Seagrass PMF

- 8.7 Advice obtained from NatureScot indicated that the Works could have a significant impact on the National Status of the seagrass PMF if suitable mitigation, monitoring, enhancement and restoration measures were not in place. However, following further engagement between the Applicant and NatureScot on this issue, Scottish Ministers are confident that the measures outlined, and to be agreed within the SMMP, will counteract the effect on the seagrass PMF, resulting in no significant impact on its National Status.
- 8.8 Whilst the initial seagrass loss is inevitable, on the basis of NatureScot's updated advice, Scottish Ministers are satisfied that the marine licences can be conditioned in respect of mitigation, monitoring, enhancement and restoration requirements to the effect that, overall, there will be no significant environmental effects on the seagrass PMF. Suitable conditions will be included in the marine licence to ensure that there is no significant impact on the National Status of the PMF as an outcome of the Works.

Cultural Heritage

- 8.9 The EIA Report identified that the Works would have a significant effect on cultural heritage as a result of the change to the historic landscape once the breakwater is constructed and operational. The Applicant was unable to identify any mitigation in respect of this. The responses received from HES, NatureScot and Argyll and Bute Council planning authority did not raise concerns in respect of cultural heritage or visual and landscape impact. No issues of national significance with regard to scheduled monuments were identified by HES. Scottish Ministers are content that the visual impact resulting from the constructed breakwater, and the associated consequence for cultural heritage, are an unavoidable outcome of the Works. As such, Scottish Ministers are satisfied that the assessment carried out and conclusions reached in the EIA Report are suitable.

Impacts on European Sites MPAs, marine mammals and benthic geodiversity

- 8.10 The Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Habitats Regulations") require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site (either alone or in combination with other plans or projects), as defined in the 1994 Habitat Regulations.
- 8.11 In line with the view of NatureScot that the Works are likely to have a significant effect on the qualifying interests of Inner Hebrides and the Minches Special Area of Conservation ("SAC"), the Scottish Ministers, as the "competent authority", were required to carry out an Appropriate Assessment ("AA").
- 8.12 Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not adversely affect the integrity of any SAC or

SPA. Further considering the reasons for which the sites were designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not on their own or in combination with other projects, adversely affect the integrity of the Inner Hebrides and the Minches SAC.

- 8.13 A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA (<https://marine.gov.scot/ml/iona-harbour-redevelopment>).
- 8.14 Under Section 83 of the 2010 Act, the Scottish Ministers as the “public authority” have to be satisfied that the Works are not capable of hindering the achievement of the conservation objectives of an NC MPA before any consents can be granted.
- 8.15 In line with the view of NatureScot that the Works are capable of affecting, other than insignificantly, the qualifying interests of the Sea of Hebrides NC MPA, the Scottish Ministers carried out an MPA assessment. Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not result in a significant risk of hindering the achievement of the conservation objectives of the Sea of Hebrides NC MPA.
- 8.16 A full explanation of the issues and justification for decisions regarding achievement of the conservation objectives is provided in the MPA assessment (<https://marine.gov.scot/ml/iona-harbour-redevelopment>).
- 8.17 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the representations of the consultation bodies, and having regard to the conditions attached, there are no outstanding concerns in relation to the impact of the Works on the seagrass PMF, cultural heritage, European sites or MPAs which would require a marine licence to be withheld.

9. The Scottish Ministers’ Determination and Reasoned Conclusion

- 9.1 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed.
- 9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the economic benefits which would be realised. The Ministers have undertaken this exercise in the context of national and local policies.
- 9.3 The Scottish Ministers have considered the extent to which the Works accord with and are supported by Scottish Government policy, the terms of the NMP and local development plans and the environmental impacts of the Works. In particular the Scottish Ministers have considered the impacts on European Sites, NC MPAs, the seagrass PMF and cultural heritage.
- 9.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works

and mitigation. In particular Ministers are satisfied that the Works will not adversely affect the integrity of the Inner Hebrides and the Minches SAC or hinder the achievement of the conservation objectives of the Sea of Hebrides NC MPA.

- 9.5 The Scottish Ministers consider that the licensing tests in respect of an EPS disturbance application for cetaceans will likely be met and an EPS licence will likely be granted.
- 9.6 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the licences to reduce environmental impacts. These include adherence to the mitigation, monitoring, enhancement and restoration measures that will form an approved SMMP. A CEMP and INNS / biosecurity management plan will also require approval prior to the commencement of Works. The CEMP must include measures relating to navigation and safety, noise, water quality and waste, with the methodology and mitigation identified in the Applicant's Outline CEMP forming the basis of the Works. In addition, an Otter Species Protection Plan and the appointment of an ECoW will be conditioned as part of the construction licence.
- 9.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion, as required under the 2017 MW Regulations, is valid.
- 9.8 The Scottish Ministers are satisfied that regard has been given to protecting the environment, protecting human health, and preventing interference with legitimate uses of the sea, as well as other factors considered to be relevant.
- 9.9 The Scottish Ministers **grant marine licences subject to conditions** under Part 4 of the Marine (Scotland) Act 2010 for the construction and dredging associated with the Iona Ferry Terminal development. The marine licences are attached at Appendix 2.
- 9.10 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of the Marine Licences.
- 9.11 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality to which the applications relate. The Applicant must provide copies of the public notices to the Scottish Ministers.
- 9.12 Copies of this decision notice have been sent to the bodies consulted on the applications including the relevant planning authority, NatureScot, SEPA and HES. This decision notice has also been published on the [Marine Scotland Information website](#).
- 9.13 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine

applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Gemma Girling

Marine Licensing Group Leader, Marine Directorate - Licensing Operations Team

A member of the staff of the Scottish Ministers

Appendix 1

Marine Licences

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00010432**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Argyll & Bute Council
Operational Services
1A Manse Brae
Lochgilphead
PA31 8RD

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **21 September, 2024** until **20 September, 2034**



Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 20 September, 2024

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Argyll & Bute Council
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

As per Licensee

2.2 Location of the Licensed Activity

Iona Ferry Terminal, Isle of Iona, within the area bound by joining points:

56° 19.816' N 06° 23.541' W
56° 19.809' N 06° 23.494' W
56° 19.827' N 06° 23.332' W
56° 19.776' N 06° 23.314' W
56° 19.757' N 06° 23.477' W
56° 19.783' N 06° 23.561' W
56° 19.798' N 06° 23.542' W

As shown in Annex One.

2.3 Description of the Licensed Activity

Construction of Rock Armour Breakwater

As described in the application dated 29 May, 2023 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials used to construct permanent works:

Steel / Iron - 1080 Kilograms
Concrete - 26706 Kilograms
Rock - 129900 Tonnes
Geotextile Membrane - 12000 Square Metres

Materials to be removed in the construction of permanent works:

Iron Pipe - 24 Metres

Materials to construct temporary works:

Navigation Warning Buoys and Lights - 840 Metres
1 No. 30 x 90 Metre Barge

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only construct the Works in accordance with this licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Works, whether or not the licence has been transferred to that person.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All materials used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.6 The Licensee must ensure that the Licensed Activity does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the Licence.

3.1.7 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.8 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.9 Details of any marks or lights not required by the licence must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.10 The Licensee must remove the materials from below the level of Mean High Water Springs, or make such alterations as advised by the Licensing Authority, within one month of notice being given by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.11 Where any damage, destruction or decay is caused to the works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency, Northern Lighthouse Board, Kingfisher Information Services of Seafish and the UK Hydrographic Officer, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hour after becoming aware of any such damage, destruction or decay.

3.1.12 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the works as required by the licence;
- b) the maintenance of the works; or
- c) the drifting or wreck of the works, to include the broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.13 In the event of the Licensed Activity being discontinued the materials used under the authority of the licence must be removed to the satisfaction of the Licensing Authority.

3.1.14 The Licensee must ensure that the works are maintained at all times in good repair.

3.1.15 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.16 The Licensee must submit a Seagrass Mitigation and Monitoring Plan ("SMMP") which the Licensee must submit prior to the commencement of works for the written approval of the Licensing Authority. The SMMP must take an adaptive management approach and be submitted no later than 2 months prior to the commencement of the Licensed Activity, or at such a time as agreed with the Licensing Authority. In the event that the Licensee wishes to update or amend the SMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month prior, or at such a time as agreed with the Licensing Authority, to the changes being implemented. The SMMP can be presented in two parts, 1) Habitat Management and Mitigation plan and 2) Enhancement and Monitoring plan and must include, but is not limited to:

- An assessment of the maximum potential loss of seagrass, adopting a worst-case approach as a direct result of the Licensed Activities.
- Details as to how the seagrass habitats within the area affected by the Licensed Activities will be monitored throughout the course of the Licensed Activities.
- Mitigation measures to be taken to minimise the loss of seagrass anticipated as a result of Licensed Activities.
- Restoration and enhancement measures to be taken in the event that loss of seagrass is anticipated as a result of Licensed Activities.

All Licensed Activities must be undertaken in line with the SMMP once it has been approved.

3.1.17 The Licensee must make every effort to minimise working within seagrass habitat and must employ best practice measures at all times throughout the Licensed Activities to prevent loss or damage to seagrass habitats, directly or indirectly, resulting from any Licensed Activities.

3.1.18 The Licensee must ensure that, where seagrass habitat loss as a result of the Licensed Activity is deemed unavoidable as outlined by the SMMP, the Licensee must mitigate the impact on this Priority Marine Feature using restoration and enhancement measures. Any restoration and enhancement measures must be carried out within the Argyll Marine Planning Area and be agreed with the Licensing Authority. The Licensee must ensure that any restoration and enhancement carried out is at least equivalent to any seagrass lost, and ensuring that there is no overall effect on the national status of the seagrass Priority Marine Feature.

3.1.19 The Licensee must monitor any seagrass restoration and enhancement measures throughout the duration of the Licence.

3.1.20 Any damage to the seagrass that is detected and was not anticipated or outlined in the SMMP must be reported to the Licensing Authority as soon as reasonably practicable and the Licensee must produce measures to mitigate or restore any damage caused, which must be submitted to the Licensing Authority for its written approval.

3.1.21 The Licensee must ensure that the site is marked by means of an Aid to Navigation (AtoN) at the most seaward extent and at least 2 metres above the surface of the breakwater, exhibiting a red light with a nominal range of 2 miles flashing twice every six seconds [FI(2)R6s 2M].

3.1.22 The Licensee must obtain approval from the Northern Lighthouse Board for any temporary Aids to Navigation required during the construction of the project.

3.1.23 The Licensee must ensure any barges / vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.2 The Licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity. Any issued Notice to Mariners should be copied to the Northern Lighthouse Board (email: navigation@nlb.org.uk).

3.2.3 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case Zone35@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.2.4 The Licensee must produce and submit an Invasive and Non-Native Species ("INNS") Management Plan for the written approval of the Licensing Authority prior to the commencement of works. The plan must detail the risk of introduction and spread of INNS and what measures will be in place to ensure vessels, plant, equipment and materials are used in accordance with best practice.

3.2.5 The Licensee must produce and submit a Construction Environmental Management Plan ("CEMP") for the written approval of the Licensing Authority prior to the commencement of works. The CEMP must include a Traffic and Navigation Management Plan and a Method Statement. The Licensee must adhere to the approved CEMP at all times throughout the duration of the works.

3.2.6 The Licensee must contact CalMac Ferries Ltd prior to commencement of the Licensed Activity to discuss the requirements for navigational warnings.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3 The Licensee shall ensure that prior to the expiry of the licence, the works must be altered by taking all temporary structures to a place above Mean High Water Springs

3.3.4 The Licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.7 The Licensee must ensure appropriate steps are taken to minimise damage to the beach, foreshore and seabed by the Licensed Activity.

3.3.8 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.9 The licensee must ensure that all vessels adhere to the best practice guidelines as set out in the Scottish Marine Wildlife Watching Code at all times.

3.3.10 The Licensee must adhere to the Otter Species Protection Plan, as outlined in Appendix 7.2 of Volume 3 - Technical Appendices in the Iona Breakwater Project Environmental Impact Assessment Report, dated August 2023, throughout the duration of the Licensed Activities.

3.3.11 The Licensee must the Licensee must appoint a suitably qualified and experienced Environmental Clerk of works ("ECoW") throughout the Licensed Activities. The ECoW must be on site during any Licensed Activities where otters might be disturbed. The ECoW must have authority to halt the Licensed Activities if any disturbance of otters is observed and the Licensing Authority must be notified. The ECoW must report to the Licensing Authority detailing monitoring and compliance with the Marine Licences on at least an annual basis.

3.4 Upon Completion of the Licensed Activity

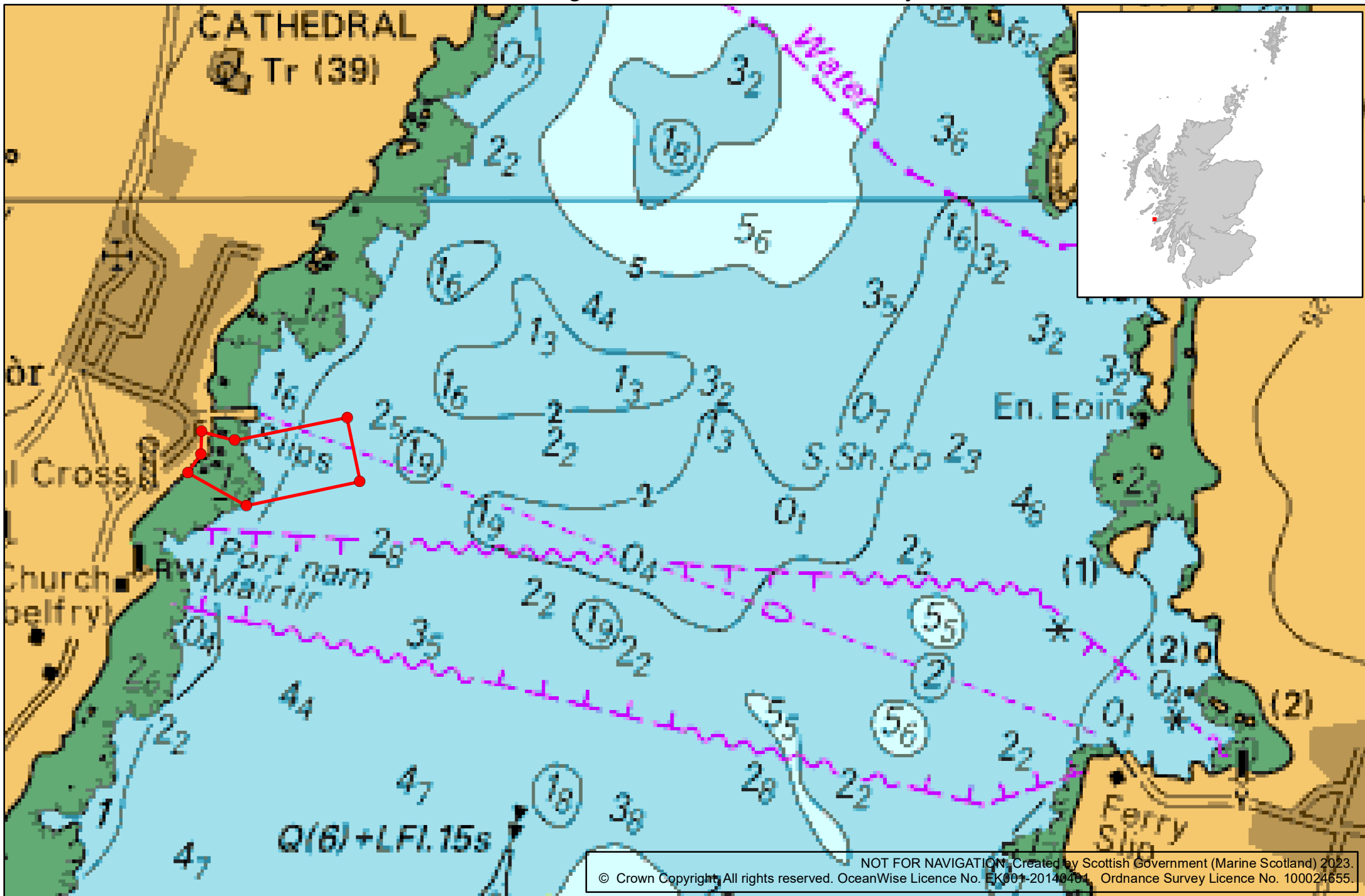
3.4.1 The Licensee must submit a written report regarding the materials used during the works to the Licensing Authority. The written report must be submitted on completion of the works and on the forms provided by the Licensing Authority no later than 31 October 2035.

3.4.2 The Licensee must ensure the beach, foreshore and seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

Annex One to MS-00010432
Chart showing location of Licensed Activity



MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00010433**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Argyll & Bute Council
Operational Services
1A Manse Brae
Lochgilphead
PA31 8RD

to carry out any form of dredging and deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **21 September, 2024** until **20 September, 2027**



Signed:

Neil MacLeod

For and on behalf of the Licensing Authority

Date of issue: 20 September, 2024

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and

- a) "**the 2010 Act**" means the Marine (Scotland) Act 2010;
- b) "**Licensed Activity**" means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
- c) "**Licensee**" means Argyll & Bute Council
- d) "**Mean High Water Springs**" means any area submerged at mean high water spring tide;
- e) "**Commencement of the Licensed Activity**" means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
- f) "**Completion of the Licensed Activity**" means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Directorate - Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.

Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.

Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure ('force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

As per Licensee

2.2 Location of the Licensed Activity

2.2.1 Location of production of the dredge material

Iona Harbour, Isle of Iona, within the area found by joining the points:

Dredge Area

56° 19.836' N 06° 23.451' W

56° 19.862' N 06° 23.393' W

56° 19.849' N 06° 23.390' W

56° 19.840' N 06° 23.403' W

56° 19.834' N 06° 23.397' W

56° 19.829' N 06° 23.409' W

56° 19.827' N 06° 23.439' W

56° 19.832' N 06° 23.441' W

56° 19.832' N 06° 23.448' W

As shown in Annex One

2.2.2 Location of deposit of the substances or objects

PORTNAHAVEN authorised sea deposit site MA035 within the area bounded by joining the following points:

55° 38.36' N 6° 31.86' W

55° 37.99' N 6° 30.27' W

55° 37.79' N 6° 31.44' W

55° 38.55' N 6° 30.72' W

2.3 Description of the Licensed Activity

Capital Dredging and Sea Disposal

As described in the application dated 29 May, 2023 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be dredged and substances or objects to be deposited

The licence authorises the dredging and deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

2205 wet tonnes of maintenance dredge substances or objects may be deposited between 21 September 2024 and

20 September 2025.

2205 wet tonnes of maintenance dredge substances or objects may be deposited between 21 September 2025 and 20 September 2026.

2205 wet tonnes of maintenance dredge substances or objects may be deposited between 21 September 2026 and 20 September 2027.

2.5 Contractor and Vessel Details

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1 The Licensee must only deposit the Substances or objects listed in Part 2 of the licence in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority. Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence. Any unauthorised materials associated with the substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, shall be disposed of on land at an approved location above the tidal level of Mean High Water Springs. All tank/hopper washings shall be deposited in the authorised sea deposit area(s).

3.1.2 Only the Substances or objects listed in Part 2 of the licence may be deposited during the execution of the Licensed Activity.

3.1.3 All materials, substances and objects used during the execution of the Licensed Activity must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.4 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.5 The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.6 The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area: Portnahaven (MA035): Up to a maximum quantity of 6615 Wet Tonnes may be deposited during the period of validity of the licence, within the area bounded by joining the points:

55° 38.36' N 6° 31.86' W
55° 37.99' N 6° 30.27' W
55° 37.79' N 6° 31.44' W
55° 38.55' N 6° 30.72' W

3.1.7 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.8 The Licensee must ensure that the Licensed Activity is carried out in accordance with a Seagrass Mitigation and Monitoring Plan ("SMMP") which the Licensee must submit prior to the commencement of works for the written approval of the Licensing Authority. The SMMP must take an adaptive management approach and be submitted no later than 2 months prior to the commencement of the Licensed Activity, or at such a time as agreed with the Licensing Authority. In the event that the Licensee wishes to update or amend the SMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than

one month prior, or at such a time as agreed with the Licensing Authority, to the changes being implemented. The SMMP can be presented in two parts, 1) Habitat Management and Mitigation plan and 2) Enhancement and Monitoring plan and must include, but is not limited to:

- An assessment of the maximum potential loss of seagrass, adopting a worst-case approach as a direct result of the Licensed Activities.
- Details as to how the seagrass habitats within the area affected by the Licensed Activities will be monitored throughout the course of the Licensed Activities.
- Mitigation measures to be taken to minimise the loss of seagrass anticipated as a result of Licensed Activities.
- Restoration and enhancement measures to be taken in the event that loss of seagrass is anticipated as a result of Licensed Activities.

3.1.9 The Licensee must make every effort to minimise working within seagrass habitat and must employ best practice measures at all times throughout the Licensed Activities to prevent loss or damage to seagrass habitats, directly or indirectly, resulting from any Licensed Activities.

3.1.10 The Licensee must ensure that, where seagrass habitat loss as a result of the Licensed Activity is deemed unavoidable as outlined by the SMMP, the Licensee must mitigate the impact on this Priority Marine Feature using restoration and enhancement measures. Any restoration and enhancement measures must be carried out within the Argyll Marine Planning Area and be agreed with the Licensing Authority. The Licensee must ensure that any restoration and enhancement carried out is at least equivalent to any seagrass lost, and ensuring that there is no overall effect on the national status of the seagrass Priority Marine Feature.

3.1.11 The Licensee must monitor any seagrass restoration and enhancement measures throughout the duration of the Licence.

3.1.12 Any damage to the seagrass that is detected and was not anticipated or outlined in the SMMP must be reported to the Licensing Authority as soon as reasonably practicable and the Licensee must produce measures to mitigate or restore any damage caused, which must be submitted to the Licensing Authority for its written approval.

3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.2 The Licensee must issue local notification to marine users – including fisherman's organisations, neighbouring port authorities and other local stakeholders – to ensure that they are made fully aware of the Licensed Activity. Any issued Notice to Mariners should be copied to the Northern Lighthouse Board (email: navigation@nlb.org.uk).

3.2.3 The Licensee must ensure that HM Coastguard National Maritime Operations Centre, in this case Zone35@hmcg.gov.uk, is made aware of the Licensed Activity prior to commencement.

3.2.4 The Licensee must produce and submit a Construction Environmental Management Plan ("CEMP") for the written approval of the Licensing Authority prior to the commencement of works. The CEMP must include a Traffic and Navigation Management Plan and a Method Statement. The Licensee must adhere to the approved CEMP at all times throughout the duration of the works.

3.2.5 The Licensee must contact CalMac Ferries Ltd prior to commencement of the Licensed Activity to discuss the requirements for navigational warnings.

3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee shall ensure that a log of activities is maintained on each vessel employed to undertake the Licensed Activity. The log(s) shall be kept onboard the vessel(s) throughout the Licensed Activity, and be available for inspection by any authorised Marine Enforcement Officer. The log(s) shall be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the Licensing Authority. The log(s) shall record in English the following information:

- a) the name of the vessel;
- b) the nature and quantity of each substance or object loaded for deposit;
- c) the date and time of departure from port, and the date and time of arrival at the authorised sea deposit area(s), on each occasion that the vessel proceeds to the designated sea deposit area(s);
- d) the date, time and position of commencement, and the date, time and position of completion, of each deposit operation;
- e) the course(s) and speed(s) throughout each deposit operation (multiple changes may be recorded as "various");
- f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit operation;
- g) the rate of discharge during each deposit operation, if appropriate, and the duration of each deposit operation (if the rate of discharge is not constant, the maximum and mean rates of discharge should be indicated);
- h) comments on the deposit operations, including any explanations for delays in the deposit operations; and
- i) the signature of the Master at the foot of each page of the record.

3.3.3 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.4 The Licensee must ensure that copies of the licence are available for inspection by any authorised Enforcement Officer at:

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.7 Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.8 The licensee must ensure that all vessels adhere to the best practice guidelines as set out in the Scottish Marine Wildlife Watching Code at all times.

3.4 Upon Completion of the Licensed Activity

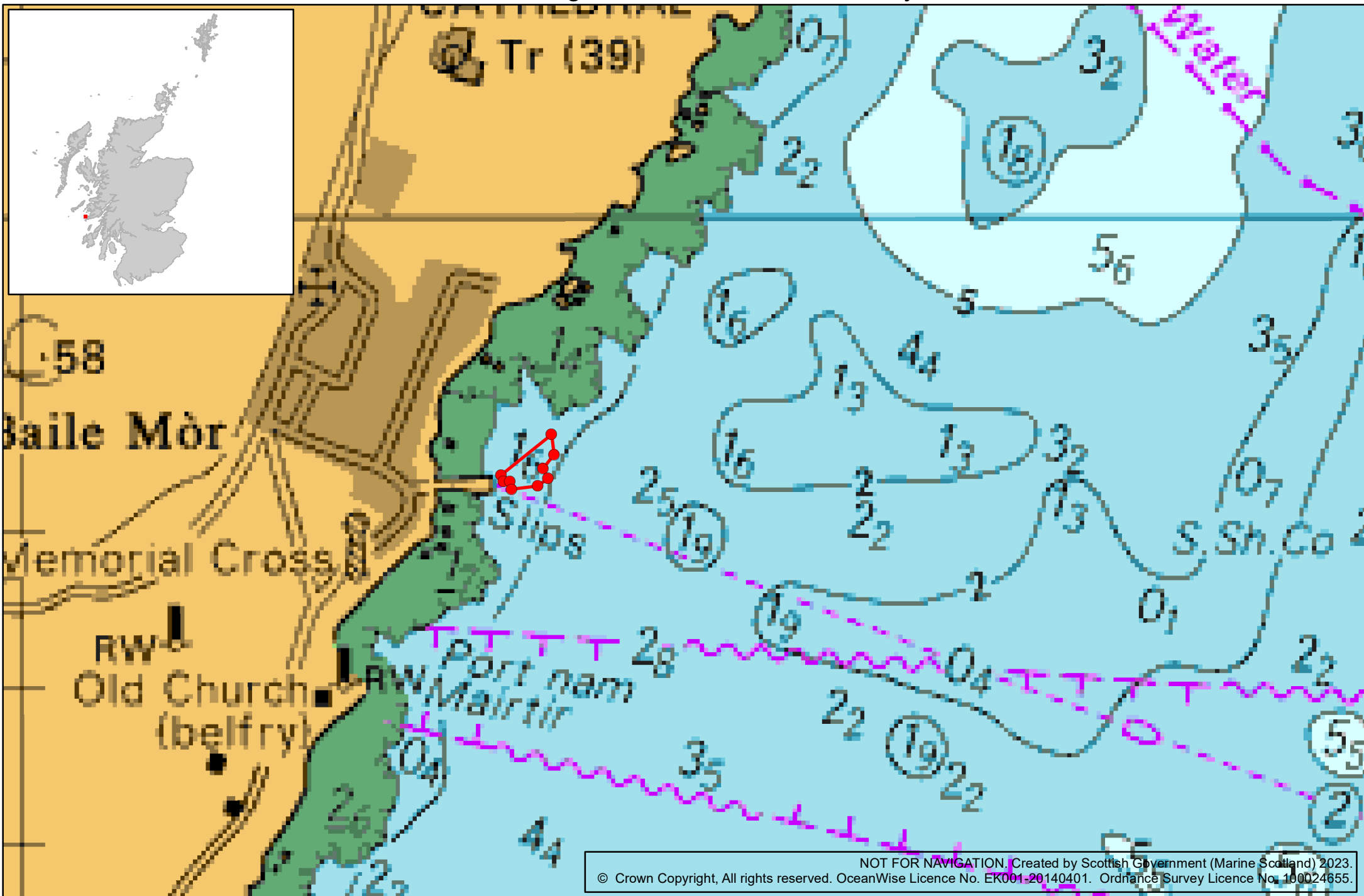
3.4.1 The Licensee must submit written reports to the Licensing Authority stating the nature and total quantity, in wet tonnes, of all substances or objects deposited under authority of the licence. The written reports must be submitted to the Licensing Authority annually and on the forms provided by the Licensing Authority.

3.4.2 If a new licence is required, the Licensee' must make an application at least fourteen weeks before the expiry date of the licence. This licence shall not continue in force after the expiry date of 20 September 2027.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

Annex One to MS-00010433
Chart showing location of Licensed Activity



ANNEX TWO

Vessels, contractors and sub-contractors authorised to be used for dredge and deposit activities at licensed **Argyll and Bute Council locations**.

Licence Number:

MS-00010433

Expiry Date:

20 September 2027

Contractors:

Vessel Name

IMO/MMSI

Flag

The agent or licensee must notify the licensing authority immediately if a vessel not listed on the Annex Two is to be used for deposit operations. The information required by the licensing authority regarding the additional vessel(s) will be the same as the information already provided for the vessels on the Annex Two. **Deposit operations using any additional vessel(s) may only commence if a revised Annex Two, including details of the additional vessel(s), is issued by the licensing authority.**

Signed: Gerry Millar

For and on behalf of the licensing authority

Date:

20 September 2024