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Marine Scotland - Licensing Operations Team and Transport Scotland Scoping Opinion

**The Highland Council (per AECOM) Uig Ferry Terminal
Development, Uig, Isle of Skye**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017 (as amended) and THE HARBOURS ACT
1964 ("The 1964 Act")**

**SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATION(S)
AND HARBOUR REVISION ORDER (HRO) FOR MARINE CONSTRUCTION AND
DREDGING**

Contents

1.	Executive Summary	3
2.	Introduction.....	6
2.1	Background to Scoping Opinion.....	6
2.2	New Environmental Impact Regulations	6
2.3	The requirement for Environmental Impact Assessment.....	6
2.4	The content of the Scoping Opinion	6
3.	Description of works	8
3.1	Background to the works.....	8
4.	Aim of this Scoping Opinion	9
4.1	The scoping process	9
5.	Consultation.....	10
5.1	The consultation process	10
5.2	Responses received.....	10
6.	Contents of the EIA Report.....	12
6.1	Requirements of The Marine Works 2017 (as amended).....	12
6.2	Non-Technical Summary ('NTS').....	13
6.3	Mitigation.....	13
6.4	Design Envelope	14
7.	Interests to be Considered Within the EIA Report.....	15
7.1	Introduction	15
7.2	Marine Nature Conservation Sites	15
7.3	Marine and Physical Environment.....	16
7.4	Marine Water and Sediment Quality	17
7.5	Flood Risk & Climate Change	17
7.6	Benthic Ecology	18
7.7	Fish and Shellfish Ecology	18
7.8	Marine Mammals.....	19
7.9	Ornithology.....	19
7.10	Socio-Economics & Public Access.....	19
7.11	Seascape, Landscape and Visual Effects	19
7.12	Traffic & Transport	20
7.13	Air Quality.....	20

7.14	Greenhouse Gas Assessment	20
7.15	Commercial & Recreational Navigation.....	21
7.16	Commercial Fisheries	21
7.17	Other Users.....	21
7.18	Archaeology & Cultural Heritage	22
7.19	Natural Resource Usage and Waste	22
7.20	Major Accidents and Disasters	22
7.21	Conclusion	23
8.	Marine Planning	24
8.1	Background.....	24
9.	General EIA Report Issues.....	25
9.1	Gaelic Language	25
9.2	Application and EIA Report	25
10.	Multi-Stage Regulatory Approval	26
11.	Judicial review	27
Appendix I: Consultee Responses		28
Scottish Natural Heritage		28
The Highland Council		34
The Scottish Environment Protection Agency		35
The Maritime Coastguard Agency		36
The Northern Lighthouse Board		37
Historic Environment Scotland		38
The Royal Yachting Association.....		40
Defence Infrastructure Organisation		41
Whale And Dolphin Conservation.....		42
Appendix II: Licensing Process		42
Appendix II: Licensing Process		43
Appendix III Pre-Dredge Sampling Guidance		45

1. Executive Summary

This is the Scoping Opinion adopted by the Scottish Ministers, as to the scope and level of detail of information to be provided in the Environmental Impact Assessment report ('EIA Report') for the proposed Harbour Development. The Scoping Opinion has been requested by AECOM on behalf of the applicant, Highland Council and are herein referred to as 'the applicants'.

This Scoping Opinion is on the basis of the information provided in the applicant's request, dated 25 September 2017 for the Scottish Ministers to adopt a Scoping Opinion. This Scoping Opinion can only reflect the proposal as currently described by the applicant. The matters addressed by the applicant in the Scoping Report have been carefully considered and use has been made of professional judgment and experience in order to adopt this opinion. It should be noted that when it comes to consider the Environmental Impact Assessment Report ("EIA Report") the Scottish Ministers will take account of relevant legislation and guidelines (as appropriate). The Scottish Ministers will not be precluded from requiring additional information if it is considered necessary in connection with the EIA Report submitted with the application for a marine licence(s).

This Scoping Opinion has a shelf life of 12 months from the date of issue. If an application is not received within 12 months then the applicant must contact the Scottish Ministers to determine whether this Scoping Opinion requires updating.

The Scottish Ministers have consulted on the Scoping Report and the responses received have been taken into account in adopting this Scoping Opinion. The Scottish Ministers are satisfied that the descriptions identified in the applicants request for a Scoping Opinion encompass those matters identified in regulation 14 of The Marine Works 2017 (as amended).

The Scottish Ministers draw attention to the general points and those made in respect of the specialist topics in this Scoping Opinion.

The main potential issues identified are:

- **Marine Nature Conservation Sites**
- **Marine Physical Environment**
- **Marine Water & Sediment Quality**
- **Flood Risk & Climate Change**
- **Benthic Ecology**
- **Fish & Shellfish Ecology**
- **Marine Mammals**
- **Ornithology**

- **Socio-Economics & Public Access**
- **Commercial & Recreational Navigation**
- **Commercial Fisheries**
- **Archaeology & Cultural Heritage**
- **Natural Resource Usage and Waste**
- **Major Accidents and Disasters**

Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Scottish Ministers. The table below details topics proposed to be scoped out within the applicant's request and provides the Scottish Ministers' advice on this. Detailed information is provided in the specialist topic sections.

Topic	Phase	Reason for Scoping Out
Seascape, Landscape & Visual Effects	Construction AND Operation	The proposed works are within the existing harbour and are of a similar scale to what already exists. Consultees agree no likely significant effects.
Traffic & Transport	Construction AND Operation	Marine traffic impacts will be assessed in the Commercial and Recreational Navigation section. Consultees comments should be considered in any mitigation and communication strategy. Traffic & Transport can be scoped out.
Air Quality	Construction AND Operation	Provided CEMP implemented, including measures to control dust and emissions consultees agree no likely significant effects.
Greenhouse Gas (GHG) Assessment	Construction AND Operation	No significant increases in GHG emissions likely. Consultees agree no likely significant effects.
Other Users	Construction AND Operation	There are minimal other users of the harbour area. Consultees agree no likely significant effects.

MS-LOT consider the terrestrial aspects scoped into the EIA to be out with the regulatory remit of Marine Scotland and therefore has no comment to make on the following proposed sections:

- **Ground Conditions & Contamination**
- **Terrestrial Ecology**
- **Terrestrial Noise and Vibration**

In summary, the EIA Report should demonstrate that key impacts to the above listed topics have been considered during both construction and operational phases. The Scoping Report suggested Marine Protected Areas be scoped out. However, in consideration of the consultee responses, this topic should be scoped in. As the section covers Natura Sites as well as an MPA, we recommend you re-title this section Marine Nature Conservation Sites.

In accordance with Schedule 3 (1)(c) and (d) of the 2017 EIA regulations, we are of the view that you should include a section on Natural Resource Usage and Waste.

In addition, the EIA Report should include the expected effects of Major Accidents and Disasters (according to regulation 5(4) of the 2017 regulations. With reference to Schedule 3 (1)(f), more emphasis on climate change should be demonstrated.

Furthermore, the EIA Report should include the accumulation of the impact with the impact of other existing and/or approved works (reference to Schedule 3 (1)(b)).

2. Introduction

2.1 Background to Scoping Opinion

2.1.1 We refer to your email of **25 September 2017** requesting a Scoping Opinion from the Scottish Ministers, under Regulation 14 of The Marine Works 2017 (as amended) and The Harbours Act 1964 (“The 1964 Act”). Your request included a Scoping Report (which can be found at <http://www.gov.scot/Topics/marine/Licensing/marine/current-construction-projects/Uig/ScopingReport>) containing a plan sufficient to identify the site which is the subject of the proposed works and a description of the nature and purpose of the proposed works and of its possible effects on the environment. Your request, including Scoping Report, was accepted by the Scottish Ministers on **10 October 2017**.

2.2 New Environmental Impact Regulations

2.2.1 On the 16 May 2017, the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (herein referred to as “The Marine Works 2017”) came into force, transposing the requirements of the 2014 amendment (2014/25/EU) to the Environmental Impact Assessment (“EIA”) Directive. The Marine Works 2017 regulations were subsequently amended but The Environmental Impact Assessment (Miscellaneous Amendments)(Scotland) Regulations 2017 which came into force on 30 June 2017 and introduced minor changes.

2.3 The requirement for Environmental Impact Assessment

2.3.1 Under The Marine Works 2017 (as amended), the Scottish Ministers, as the consenting authority, must not grant a regulatory approval for an EIA project unless an environmental impact assessment has been carried out in respect of that project and in carrying out such assessment the Scottish Ministers must take the environmental information into account. The works described in your Scoping Report fall under Schedule 2, paragraph 1(e), 10(g) and 10(m) of The Marine Works 2017 (amended).

2.4 The content of the Scoping Opinion

2.4.1 In regards to your request for a Scoping Opinion on the proposed content of the required EIA Report, the Scottish Ministers have, in accordance with The Marine Works 2017 (as amended), considered the documentation provided to date and consulted with the appropriate consultation bodies (see Appendix I) in reaching their Scoping Opinion.

2.4.2 Please note that the EIA process is vital in generating an understanding of

the biological, chemical and physical processes operating in and around the proposed works site and those that may be impacted by the proposed activities. We would however state that references made within the Scoping Opinion with regard to the significance of impacts should not prejudice the outcome of the EIA process. It is therefore expected that these processes will be fully assessed in the EIA report unless scoped out.

3. Description of works

3.1 Background to the works

3.1.1 The proposal by the applicant to upgrade the Uig Ferry Terminal on the North East of the isle of Skye, will allow access by the new larger ferry proposed by Caledonian Maritime Assets Limited (CMAL). The project comprises the following main components:

- Widening of the existing berth, to include demolition and construction of a new wave protection wall and impact piling
- Pier extension, including pile driving and use of concrete
- New linkspan including driving new piles and removing old piles
- Land reclamation using approximately 50,000 m³ of infilling material with rock armour revetment and sheet piles
- New slipway construction including sheet pile or rock armour with infill
- Dredging
- Dredge disposal and potential opening of a new sea disposal site
- LNG storage.

4. Aim of this Scoping Opinion

4.1 The scoping process

4.1.1 Scoping provides the first identification, and likely significance, of the environmental impacts of the proposal and the information needed to enable their assessment. The scoping process is designed to identify which impacts will or will not need to be addressed in the EIA Report . This includes the scope of impacts to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input into the EIA process, to specify their concerns and to supply information that could be pertinent to the EIA process. In association with any comments herein, full regard has been given to the information contained within the Scoping Opinion request documentation submitted.

4.1.2 The Scottish Ministers have also used this opportunity to provide advice in relation to the licensing requirements in addition to the EIA requirements (see Appendix II)

5. Consultation

5.1 The consultation process

5.1.1 On receipt of the Scoping Opinion request documentation, the Scottish Ministers, in accordance with The Marine Works 2017 (as amended), initiated a 30 day consultation process, which commenced on 10 October 2017. The following bodies were consulted, those marked in **bold** provided a response, those marked in *italics* sent nil returns or stated they had no comments:

- **Scottish Natural Heritage (SNH)**
- **Scottish Environment Protection Agency (SEPA)**
- **Historic Environment Scotland (HES)**
- **The Highland Council**
- **Maritime Coastguard Agency (MCA)**
- **The Northern Lighthouse Board (NLB)**
- *The Crown Estate*
- **The Royal Yachting Association (RYA)**
- *Royal Society for the Protection of Birds (RSPB)*
- *The Health and Safety Executive (HSE)*
- *Marine Scotland Fishery Office – Stornoway*
- *Marine Scotland Planning and Policy*
- *Fisheries Management Scotland*
- *British Shipping*
- *UK Chamber of Shipping*
- *Defence Infrastructure Organisation*
- *Marine Safety Forum*
- *Transport Scotland*
- **Whale and Dolphin Conservation**
- *Scottish Fishermans Federation*
- *Scottish Wildlife Trust*
- *Caledonian Maritime Assets Limited*
- *Hebridean Whale and Dolphin Trust*
- *Inshore fisheries Group*
- *Community Council*

5.2 Responses received

5.2.1 A total of nine responses were received. The purpose of the consultation was to obtain advice and guidance from each consultee or advisor as to which potential effects should be scoped in or out of the EIA.

5.2.2 The Scottish Ministers are satisfied that the requirements for consultation

have been met in accordance with The Marine Works 2017 (as amended). The sections below highlight issues which are of particular importance with regards to the EIA. Full consultation responses are attached in Appendix I and each should be read in full for detailed requirements from individual consultees. The Scottish Ministers expect all consultee concerns to be addressed in the EIA Report unless otherwise stated.

6. Contents of the EIA Report

6.1 Requirements of The Marine Works 2017 (as amended)

6.1.1 An EIA Report must be prepared in accordance with regulation 6 and contain the information specified in schedule 4 of The Marine Works 2017 (as amended).

6.1.2 The Marine Works 2017 (as amended) require that the EIA Report is prepared by competent experts and must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of those experts.

6.1.3 The EIA Report must be based on the Scoping Opinion and must include the information that may be reasonably required for reaching a reasoned conclusion, which is up to date, on the significant effects of the works on the environment, taking into account current knowledge and methods of assessment.

6.1.4 EU guidance on EIA identifies the following qualities of a good Environmental Statement (now known as an EIA Report):

- Includes a clear structure with a logical sequence, for example describing existing baseline conditions, predicted impacts (nature, extent and magnitude), scope for mitigation, agreed mitigation measures, significance of unavoidable/residual impacts for each environmental topic.
- Includes a table of contents at the beginning of the document.
- Includes a clear description of the works consent procedure and how EIA fits within it.
- Reads as a single document with appropriate cross-referencing.
- Is concise, comprehensive and objective.
- Is written in an impartial manner without bias.
- Includes a full description of the work proposals.
- Makes effective use of diagrams, illustrations, photographs and other graphics to support the text.
- Uses consistent terminology with a glossary.
- References all information sources used.
- Has a clear explanation of complex issues.
- Contains a good description of the methods used for the studies of each environmental topic.
- Covers each environmental topic in a way which is proportionate to its importance.
- Provides evidence of good consultations.
- Includes a clear discussion of alternatives.
- Makes a commitment to mitigation (with a programme) and to monitoring.

- Has a Non-Technical Summary (“NTS”) which does not contain technical jargon
- Further guidance can be found at <http://ec.europa.eu/environment/eia/eia-support.htm>

6.2 Non-Technical Summary (‘NTS’)

6.2.1 The EIA Report must contain a NTS which should be concise and written in a manner that is appealing to read and easily understood. The NTS should highlight key points set out in the EIA Report and must include (at least) the following:

- a description of the works comprising information on the site, design, size and other relevant features of the works;
- a description of the likely significant effects of the works on the environment;
- a description of the features of the works and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the applicant, which are relevant to the works and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the works on the environment; and
- a summary of the information provided under paragraphs 1 to 9 of Schedule 4 of The Marine Works 2017 (as amended).

6.3 Mitigation

6.3.1 Within the EIA Report it is important that all mitigating measures are:

- clearly stated;
- accurate;
- assessed for their environmental effects;
- assessed for their effectiveness;
- fully described with regards to their implementation and monitoring, and;;
- described in relation to any consents or conditions

6.3.2 The EIA Report should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters. Refer to Appendix I for consultee comments on specific baseline assessment and mitigation.

6.3.3 Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the EIA Report:

- the work has been undertaken;
- what this has shown i.e. what impact if any has been identified, and
- why it is not significant?

6.4 Design Envelope

6.4.1 Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. The applicant must also describe the criteria for selecting the worst case, and the most likely, scenario, and the impacts arising from these. The Scottish Ministers will determine the application based on the worst case scenario. The EIA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however the information provided in section 10 below regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.

7. Interests to be Considered Within the EIA Report

7.1 Introduction

7.1.1 The Scoping Report considered the environment under the following headings and topics, these are addressed in turn below.

- **Marine Nature Conservation Sites**
- **Marine Physical Environment**
- **Marine Water & Sediment Quality**
- **Flood Risk & Climate Change**
- **Ground Conditions & Contamination**
- **Benthic Ecology**
- **Fish & Shellfish Ecology**
- **Marine Mammals**
- **Ornithology**
- **Socio-Economics & Public Access**
- **Commercial & Recreational Navigation**
- **Commercial Fisheries**
- **Marine Archaeology & Cultural Heritage**
- **Natural Resource Usage and Waste**
- **Major Accidents and Disasters**

This section also contains a summary of main points raised by consultees and the Scottish Ministers' opinion on whether EIA topics should be scoped in or out. The consultation responses are contained in Appendix I and the applicant is advised to carefully consider these responses and use the advice and guidance contained within them to inform the EIA Report.

7.2 Marine Nature Conservation Sites

7.2.1 Whilst the proposed development is not located within any designated nature conservation sites, it is located close to sites of conservation importance and has potential to have significant effects on:

- The Inner Hebrides and the Minches cSAC, designated for Harbour porpoise (*Phocoena phocoena*);
- The Ascrib, Isay and Dunvegan SAC designated for Harbour seal (*Phoca vitulina*) and
- The Sea of the Hebrides pMPA designated for Basking shark (*Cetorhinus maximus*) and Minke whale (*Balaenoptera acutorostrata*).

7.2.2 During consultation, SNH advised that the piling, dredging and sea disposal

are likely to have a significant on Harbour porpoise. Disturbance can occur over tens of kilometers from the activity and if porpoise are too close to an intense noise source when it is initiated, hearing damage can occur. As such nature conservation designated areas should be scoped into the EIA process. The EIA Report should including underwater noise and disturbance modeling, which will inform the mitigation to be put in place. The EIA Report should also contain information required to inform Habitats Regulations Appraisal and possible EPS disturbance licence requirements (for cetaceans and potentially for Basking sharks).

7.2.3 The applicant should consult the standard piling mitigation measures recommended by Joint Nature Conservation Committee (JNCC)

[\[http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Piling%20protocol_August%202010.pdf\]](http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Piling%20protocol_August%202010.pdf) which includes the use of marine mammal observers and piling soft starts prior to commencement of impact piling.

7.3 Marine and Physical Environment

7.3.1 Uig Harbour is located within Uig Bay, a sheltered inlet on the west coast of the Trotternish peninsula, Isle of Skye. The bathymetry of the bay gradually shallows from around 60 m depth at the entrance to 5m in the existing berth. Grab sampling of the sediment in Uig Bay indicates that the sediment composition is gravel along the eastern coast and northern edge of the bay entrance and mud within outer and northern parts of the Bay. The hydrodynamic conditions within Uig Bay are influenced by a combined action of tidal propagation and wave activity and are defined as 'macrotidal'.

7.3.2 As a result of the proposed dredge and construction works, the key impact pathways relating to the marine physical environments are; changes to the: hydrodynamic regime; the wave climate; sediment transport and sediment disturbance. Additionally there is likely to be changes in the substrate type through the redistribution of both suspended sediment and sea disposal of dredge material.

7.3.3 Marine and Physical Environment are scoped into the EIA process. The EIA Report should include modeling of hydrodynamics, waves and sediments to determine the magnitude of effect arising from the proposed development. This numerical modeling will be underpinned by a conceptual understanding of the study area along with the collection of site specific data.

7.4 Marine Water and Sediment Quality

7.4.1 The proposed development has the potential to affect changes in the:

- water and sediment quality through changes to the suspended sediment concentrations;
- dissolved oxygen in the water column;
- level of water and sediment contaminants; and
- water and sediment quality from the redistribution of sediment-bound chemical contaminants.

Chemical analysis of sediment, carried out in 2016, showed that in Uig Harbour tests for Chromium and Nickel were above Action Level 2 (AL2) and that Copper, Zinc and total Polycyclic Aromatic Hydrocarbons were above AL 1.

7.4.2 Marine Water and Sediment Quality is scoped into the EIA process for all phases of work. The EIA Report should comprise of a review of the existing water quality conditions and chemical analysis of sediment located in the proposed dredge area and the potential dredge disposal site. If it is proposed to utilize this dredging spoil within the land reclamation then the EIA Report should demonstrate that the heavy metal spoil will not cause harm to the environment. SEPA's Waste Classification Technical Guidance WM3

[\[https://www.sepa.org.uk/media/162490/waste-classification-technical-guidance-wm3.pdf\]](https://www.sepa.org.uk/media/162490/waste-classification-technical-guidance-wm3.pdf) may assist in assessing the potential hazardous nature of the spoil. Furthermore, a Water Framework Directive assessment will be undertaken to consider the potential impacts on the current status and future objectives of the relevant WFD water bodies. An appropriate level of technical detail and mitigation measure should then be identified if necessary.

7.4.3 The EIA Report should assess surface water drainage to demonstrate that adequate space is available to treat surface water run-off. Due regard should be given to SEPAs response for the issues to be assessed as part of this. Waste water drainage should be directed to the public sewer, and this should be shown on site plans.

7.5 Flood Risk & Climate Change

7.5.1 Following a review of the existing topography of Uig Bay, there is only a small margin between the highest astronomical tide and the pier height. This suggests that coastal flooding is likely. Uig is identified within a coastal flood risk area and part of the Potential Vulnerable Area (PVA) for coastal flooding. However, the PVA does not provide sufficient detail to determine if this includes the development site.

7.5.2 Flood risk and climate change is scoped into the EIA process. The EIA Report should demonstrate that the issue of coastal flooding have been addressed through modeling of wind and wave climate, extreme water levels, hydrodynamic modeling, wave transformation modeling, joint probability of waves and water levels and wave overtopping. This should also take into account the updated Coastal Flood Boundary levels for Scotland which will be available by the end of 2017, and updated climate change predictions available in Spring 2018. An appropriate level of technical detail and mitigation measures should then be identified if necessary.

7.6 Benthic Ecology

7.6.1 A desk based marine ecology study identified that the intertidal and subtidal seabed at Uig Bay is dominated by sediment habitats comprising of varying levels of mud and sand. An ecological survey undertaken in May 2017, confirmed the presence of intertidal mixed sediments with fucoid algae along the shore of Uig Bay. The sub-tidal habitats were mapped in 1988 which found that Priority Marine Features (PMF) were present in the area.

7.6.2 The proposed development has the potential to impact both the intertidal and subtidal benthic habitats through direct loss, habitat disturbance from dredge spoil and suspended sediment and changes to water quality.

7.6.3 Benthic Ecology is scoped into the EIA process. The EIA Report will contain a detailed intertidal survey to confirm the nature and distribution of the habitats present in Uig Bay and consider any habitats of conservation concerns or PMF (specifically seapens and burrowing megafauna in circalittoral fine mud). Additionally a sediment characterization study will be undertaken to determine the most suitable sea disposal location and methods for the dredge arisings.

7.7 Fish and Shellfish Ecology

7.7.1 The likely effects on fish and shellfish ecology will occur from underwater sound generated from the impact piling works, and suspended sediment and changes to water quality during dredging and sea disposal. Therefore, fish and Shellfish Ecology is scoped into the EIA process. Under water noise propagation modeling will be undertaken to determine the likely level of disturbance to fish species, along with sediment dispersion modeling to determine the impact of water quality changes on fish and shellfish. These surveys will allow appropriate mitigation to be developed and implemented.

7.8 Marine Mammals

7.8.1 The area of the proposed works is known to support a number of marine mammals, including harbour porpoise, dolphins whales and seals. The underwater noise produced during the piling work associated with the proposed development are likely to have an impact on marine mammals in the area.

7.8.2 Marine Mammals are scoped into the EIA process. The EIA Report should contain information required to inform Habitats Regulations Appraisal and a possible EPS disturbance licence. An appropriate impact assessment to determine the extent of the behavioral impacts on marine mammals as a result of the impact piling should be demonstrated.

7.9 Ornithology

7.9.1 Summer field surveys were carried out in May 2017, along with a desk study to identify potential breeding bird species utilizing Uig Harbour. The habitats present at and in the immediate vicinity of the ferry terminal are of low value to most breeding birds, with common and widespread species recorded. Therefore breeding birds are scoped out of the EIA. Mitigation will be built into the design of the development, including the implementation of a Breeding Bird Protection Plan.

7.9.2 SNH have recommended in their consultation response to consider the location and timing of the works with respect to White-tailed eagles. The applicant is advised to consult with SNH further on this.

7.10 Socio-Economics & Public Access

7.10.1 During construction, it is likely that the ferry service will be limited to a passenger service during the linkspan replacement works. Therefore, during construction, public access may be restricted, but this effect will be temporary.

7.10.2 Socio-Economics & Public Access is scoped into the EIA with a desk based assessment being undertaken to identify all the socio-economic receptors in the surrounding area, and how these might be affected by the proposed development.

7.11 Seascape, Landscape and Visual Effects

7.11.1 The proposed works associated with the development area concentrated around the existing harbour and pier. The works are not considered to result in significant effects on the landscape or seascape resource or the visual amenity of

local residents and visitors to the area. The permanent structures are of similar scale to the existing facilities and would be seen as an extension to the existing harbour infrastructure in Uig. Therefore an assessment of impacts to Seascape, Landscape and Visual Effects are not required as part of the EIA process.

7.12 Traffic & Transport

7.12.1 During the construction phases, marine traffic is expected to increase and the EIA Report should demonstrate that the issue of disturbance to other vessels has been addressed and mitigation measures identified if necessary. Construction and operational marine traffic and transport impacts are to be assessed within the Commercial and Recreational Navigation section. With the mitigations within the Navigation section, the marine aspect of Traffic and Transport is not required as part of the EIA process and can be scoped out.

7.13 Air Quality

7.13.1 There are no known Air Quality Management Areas or sensitive receptors to air quality in the vicinity of the proposed development.

7.13.2 Creation of dust during the earthworks and clearing required during the land reclamation works to increase the marshalling area, has the potential to impact vegetation and human health through the inhalation of particles. The dust and emissions mitigation controls will be detailed in a Construction Environment Management Plan (CEMP), or a schedule of Mitigation (SoM) and detailed site plans (as preferred by one of the consultees), prior to the commencement of construction. No specific section on Air Quality is required as part of the EIA Report and is scoped out of the EIA process.

7.14 Greenhouse Gas Assessment

Current sources of greenhouse gas (GHG) emissions in Uig Harbour are likely limited to the existing ferry service and local traffic in the area. The new ferry is likely to have lower emissions as it dual fuel capabilities. The ferry timetable and number of vessel movements is not expected to change and the GHG emissions associated with construction are not anticipated to be significant. Therefore an assessment of impacts from increased GHG emissions is not required as part of the EIA process.

7.15 Commercial & Recreational Navigation

During the construction phases, marine traffic is expected to increase and the EIA Report should demonstrate that the issue of disturbance to other vessels has been addressed and mitigation measures identified if necessary. Impacts of construction works on commercial and recreational navigation receptors is scoped into the EIA process. A desk study using navigation data which will inform any mitigation that is required. The EIA Report should give due consideration to the Port Marine Safety Code (PMSC) and Guide to Good Practice (GTGP). There will be a need to liaise and consult with The Highland Council (and in consultation with Calmac Ferries Ltd), to develop a robust Safety Management System (SMS) for the project under this code. The Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it, during and after the construction.

7.15.1 As the upgrade includes the widening of a berth structure and new dredging, the UK Hydrographic Office should be notified for consideration of updates to nautical charts and publications. The local coastguard and local MCA Marine Office should also be notified of the proposed works. The existing Aids to Navigation (AtoN) should be reviewed and an overall plan for AtoN at the ferry terminal should be discussed with the Northern Lighthouse Board.

7.16 Commercial Fisheries

7.16.1 The proposed development is likely to impact on commercial fisheries and aquaculture during the construction phase due to vessel movements between the dredge area and the disposal site.

7.16.2 Commercial Fisheries is scoped into the EIA, in respect of the construction works. Consultation with relevant organizations will be undertaken to develop understanding of the fishing activities in the area and the impacts the proposed development may cause. Commercial fisheries in respect of the operational phase is scoped out (with the exception of the potential for maintenance dredging).

7.17 Other Users

7.17.1 There is no known oil and gas exploration, renewable development or military activity in the Uig harbour area which is likely to be affected by the proposed development. Therefore Other Users is scoped out of the EIA process due to lack of receptors.

7.18 Archaeology & Cultural Heritage

7.18.1 The impacts of the construction phases of the development proposal on archaeology and cultural heritage are scoped into the EIA process. Baseline studies have shown that there are two maritime wrecks and 2 Canmore sites (King Edward Pier and a memorial) within the proposed development area, however these are not designated. Likely significant effects include direct and indirect impacts, such as disturbance, contamination and loss to historic environment assets. Assessments undertaken in regard to these potential impacts should be undertaken with appropriate involvement from archaeological experts.

7.19 Natural Resource Usage and Waste

7.19.1 Details should be provided in the EIA Report of how waste generated on site will be stored and disposed of, including contaminated materials. Furthermore, although there are some natural resources on the site that will be reused as part of the proposed works, some materials will have to come from elsewhere. For the proposed land reclamation, given the use of sheet piles, it is likely SEPA will regulate this activity under The Waste Management Licensing (Scotland) Regulations 2011 (WML) should waste dredging spoil be utilised. SEPA will have to advise on the likely consentability of this proposal and early consultation is recommended. Mitigation measures should then be included in the CEMP or as advised by SEPA, a schedule of mitigation with detailed site plans demonstrating how impacts on the environment have been minimised through site design.

7.20 Major Accidents and Disasters

7.20.1 The following impacts from major accidents and natural disasters require further consideration during the different phases of the proposed development and should be scoped into the EIA process:

- Proposed LNG storage tanks - risk of fire and impacts to other vessels
- Severe storms
- Marine transport accidents
- Flood risk / tidal surges – proposed to be assessed in separate section.

7.21 Conclusion

7.21.1 The Scottish Ministers are broadly satisfied that the topics identified in the Scoping Report encompass those matters identified in regulation 14 of the Marine Works 2017 (as amended). Notwithstanding this, the Scottish Ministers consider that the EIA Report should also consider the following sections:

- Natural Resource Usage and Waste
- Impacts from Major Accident and Disasters.
- Marine Nature Conservation Sites
- Flood Risk and Climate Change
- Cumulative Impacts

8. Marine Planning

8.1 Background

8.1.1 The development of projects subject to EIA should be in accordance with the UK Marine Policy Statement and the National Marine Plan ('NMP').

8.1.2 **The UK Marine Policy Statement 2011** – The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

8.1.3 **Scotland's NMP 2015** – Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the NMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorisation and enforcement decisions, or any other decision that affects the marine environment, in accordance with the NMP. The NMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan.

9. General EIA Report Issues

9.1 Gaelic Language

9.1.1 Where works are located in areas where Gaelic is spoken, applicants are encouraged to adopt best practice by publicising the project details in both English and Gaelic.

9.2 Application and EIA Report

9.2.1 A gap analysis template is attached at Appendix III to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. Please note that the EIA Report must contain all of the information specified in the Scoping Opinion. On submission of the application and supporting EIA Report, the Scottish Ministers, via a gatecheck process, will review the completed template in conjunction with the EIA Report to ensure this is the case before the application is officially accepted. The gatecheck will also include an EIA audit. If information requested at scoping stage has not been provided in the EIA Report then the applicant will be asked to provide that information before the application can be accepted.

9.2.2 Please note all aspects of this Scoping Opinion should be considered when preparing a formal application to reduce the need to submit additional information in support of the application. The consultee comments presented in this Scoping Opinion are designed to offer an opportunity to consider all material issues relating to the work proposals.

9.2.3 The exact nature of the work that is needed to inform the EIA may vary depending on the design choices. The EIA must address this uncertainty so that there is a clear explanation of the potential impact of each of the different scenarios. It should be noted that any changes produced after the EIA Report is submitted may require further environmental assessment and public consultation.

9.2.4 In assessing the quality and suitability of applications, the Scottish Ministers will use the gap analysis and this Scoping Opinion in assessment of the application. In addition to scoping, applications are required to go through a gatecheck process. See Appendix II for further information on this. In the event of a submitted application not containing essential information, the Scottish Ministers reserve the right not to accept the application. Applicants are advised not to publicise applications in the local or national press, until their application has been accepted by the Scottish Ministers.

10. Multi-Stage Regulatory Approval

10.1.1 The Marine Works 2017 (as amended) contains provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage, one stage involving a principal decision and one or more other stages involving an implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.

10.1.2 The definition in The Marine Works 2017 (as amended) is as follows: *“application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun*”.

10.1.3 A marine licence, if granted, by the Scottish Ministers for your works at Uig Ferry Terminal Development is likely to have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS.

10.1.4 When making an application for multi-stage approval the applicant's must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA report. In doing so, the applicant's must account for current (meaning at the time of the multi-stage application) knowledge and methods of assessment which address the likely significant effects of the works on the environment so to enable the Scottish Ministers to reach a reasoned conclusion which is up to date.

10.1.5 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

11. Judicial review

11.1.1 All cases may be subject to judicial review. A judicial review statement should be made available to the public.

Signed

Jessica Hay

22 November 2017

Authorised by the Scottish Ministers to sign in that behalf

Appendix I: Consultee Responses

Scottish Natural Heritage



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

FAO: Jessica Hay

16 November 2017

Dear Ms. Hay

**EIA scoping for Uig ferry terminal development, Uig Bay, Isle of Skye
Marine (Scotland) Act 2010 and the Marine Works (Environmental Impact Assessment)
Regulations 2017 (as amended) and the Harbours Act 1964**

Thank you for your consultation dated 10 October requesting our EIA scoping advice on the above proposal.

1. Background

We provided EIA screening advice to Transport Scotland on 16 August 2017. We also had some earlier discussions with AECOM regarding terrestrial surveys and ornithology.

You requested comments on the marine aspects but, as you note, the proposals (and the EIA scoping document) include terrestrial elements. For completeness, and to avoid duplication of effort, we have assessed and commented on all significant elements of the proposals as they relate to our remit at this stage. We have copied this response to all competent authorities.

2. Summary

Key marine natural heritage issues arising from this development which will need to be considered in the EIA include:

- Effect of piling noise on marine mammals, particularly cetaceans, including harbour porpoise within Inner Hebrides and the Minches candidate Special Area of Conservation. Information required to inform Habitats Regulations Appraisal and possible EPS disturbance licence.
- Consideration of dredge disposal options (location and methods) in terms of effects on Priority Marine Feature habitats, particularly some of the rarer biotopes of burrowed mud.

In addition we recommend consideration of the location and timing of the works with respect to white-tailed eagles.

Annex A of this letter provides further detail to assist with the EIA process.

Should you have any queries about this letter, or require any further advice, please contact me at the address above.

Scottish Natural Heritage King's House, The Green, Portree, Isle of Skye, IV51 9BS
Tel 01478 612625 www.snh.gov.uk

Dualchas Nàdair na h-Alba Taigh an Rìgh, An Àilean, Port Rìgh, An t-Eilean Sgitheanach, IV51 9BS
Fòn: 01478 612365 www.snh.gov.uk

Yours sincerely

Alex Turner
Area Officer
Skye and Lochalsh, South Highland
alex.turner@snh.gov.uk

cc. Cerian Baldwin (SEPA);
Val Ferguson (Transport Scotland);
Mark Harvey & Shona Turnbull (The Highland Council);
Dominique Hill (AECOM).

Annex A – details to assist with the EIA for Uig ferry terminal redevelopment

1. Guidance for assessing impacts on the natural heritage

We have a variety of guidance covering topics such as protected areas and protected species. We would expect the applicant to follow the latest guidance as published on our website via <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/>. Guidance on the EIA process is also available, including a link to our EIA handbook - <http://www.snh.gov.uk/planning-and-development/environmental-assessment/eia/> (noting that this has yet to be updated to account for the recent changes in the EIA Regulations).

2. Designated sites

Ascrib, Isay and Dunvegan Special Area of Conservation (SAC)

The proposal (as defined by the EIA red line boundary) lies approximately 5.5km outside Ascrib, Isay and Dunvegan (SAC), designated for its common seal population. However the distance between Uig pier and the nearest seal haul-outs is significantly greater. At this distance we advise that there will be no likely significant effect on seals within the SAC.

There are no regularly used seal haul-outs recorded by Sea Mammal Research Unit within Uig Bay. Nevertheless, seals from the SAC population may visit Uig Bay and we would expect assessment of risks and mitigation to be proposed to protect seals from injury and to minimise disturbance. Further detail is provided in the section below.

Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC)

The proposal (as defined by the EIA red line boundary) lies within Inner Hebrides and the Minches candidate Special Area of Conservation (SAC), selected for its harbour porpoise. The pier and dredging area are approximately 1.2km outside the boundary of the cSAC.

The proposals include piling, dredging and probably dredge disposal. These activities are likely to affect harbour porpoise. If porpoise are too close to an intense noise source when it is initiated, hearing damage can occur. Disturbance can occur over tens of kilometres from the activity. Blasting is not currently proposed but if it subsequently proves necessary further detailed assessment will be required. Further details are available in the Ports and Harbours section of the *Advice to Support Management* at <http://www.snh.gov.uk/docs/A1918723.pdf>.

In addition to the EIA Regulations, the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") also apply. Consequently, Marine Scotland and Transport Scotland will be required to consider the effect of the proposal on the cSAC before it can be consented. Our view at the moment is that this proposal is likely to have a significant effect on harbour porpoise within the cSAC. Consequently, Marine Scotland and Transport Scotland, as competent authorities, are likely to be required to carry out an appropriate assessment. It is important that the Environmental Report contains sufficient information to support these assessments. We therefore advised that this topic should be scoped in (contrary to the scoping report).

Other cetacean species, such as minke whale, bottlenose dolphin and short-beaked common dolphin, have been recorded within and around the entrance of Uig Bay, as well as more widely in Loch Snizort. A dead Short-beaked common dolphin was found in Uig Bay in 2014. While present, we do not currently have any data to suggest that Uig Bay is of particular importance for these species. However, given their presence and the noise associated with

piling it is possible that an EPS license will be required and sufficient information should be provided in the ER to support that application.

The construction methods should be clarified following site investigations including:

- Piling – what type of piles would be installed; how many; impact or vibratory piling; duration of installation.
- Dredging techniques and duration.
- Any blasting – what size of charge; how many; over what duration

The applicant has identified the need to model underwater noise propagation for marine mammals and we agree that is necessary. We are not familiar with the Environment Agency methodology outlined in the fish section and would require detail on the methodology. However, our initial advice is that it is unlikely to be sufficient by itself. Noise levels for all noisy activities should be predicted and we advise that they consider the following references:

- *Good Practice Guide for Underwater Noise Measurement*, National Measurement Office, Marine Scotland, The Crown Estate, Robinson, S.P., Lepper, P. A. and Hazelwood, R.A., NPL Good Practice Guide No. 133, ISSN: 1368-6550, 2014.
- Farcas A., Thompson P.M., Merchant N.D. (2016) Underwater noise modelling for environmental impact assessment. *Environmental Impact Assessment Review* Vol 57 pg 114-122

Received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for acute, incidental exposure to underwater anthropogenic sound should be considered. For assessment of impact to marine mammals we advise that they consider both Southall and NOAA injury thresholds:

- National Marine Fisheries Service (2016) *Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts*. U.S Dept. of Commer., NOAA. NOAA Technical Memorandum NMFS-OPR-55, 178p.
http://www.nmfs.noaa.gov/pr/acoustics/Acoustic%20Guidance%20Files/opr-55_acoustic_guidance_tech_memo.pdf
- Southall B.L., Bowles A.E., Ellison W.T., Finneran J.J., Gentry R.L., Greene Jr. C.R., Kastak D., Ketten D.R., Miller J.H., Nachtigall P.E., Richardson W.J., Thomas J.A., & Tyack P.L. (2007) Marine Mammal Noise Exposure Criteria: Initial Scientific Recommendation. *Aquatic Mammals*, Vol 33 No 4

Disturbance should also be assessed. We advise that there is currently no agreed disturbance threshold as such, but that assessments are moving away from a fixed threshold towards using a dose response curve as used in:

- Thompson P.M., Hastie G.D., Nedwell J., Barham R., Brookes K.L., Cordes L.S., Bailey H., & McLean N. (2013) Framework for assessing impacts of pile-driving noise from offshore wind farm construction on a harbour seal population *Environmental Impact Assessment Review* Vol 43 pg 73-85.

However the NOAA interim disturbance thresholds may prove sufficient in this case:

- http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/threshold_guidance.html

While we expect the above guidance to be considered, the final assessment should be proportionate to the scale and risk of the works. We can provide further guidance on this aspect if required.

Appropriate mitigation should be put forward based on relevant best practice guidance including:

- Statutory nature conservation agency piling protocol (August 2010):
http://jncc.defra.gov.uk/pdf/JNCC_Piling%20protocol_August_2010.pdf
(and the JNCC explosives guidelines if relevant)

Consideration should be given to the size of the piling mitigation zone and the best way to cover it. The head of the bay would be included within the standard 500m radius, however consideration should be given to whether the whole bay, or a larger proportion of the bay should be monitored. It should also consider the most appropriate viewpoints and the number of MMOs required.

3. Priority Marine Features

The review of existing marine data should identify any Priority Marine Features which may be affected by the proposals. Priority Marine Features (PMFs) are habitats and species which are considered to be marine nature conservation priorities in Scottish waters. Further information and a link to the adopted list of PMFs is available via <http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/>

The scoping report has identified the available benthic data. The predictive mapping is based primarily on the 3 x MNCR sample points collected in 1988. One of these identified a sediment plain of soft sandy mud which is representative of the **PMF Seapens and burrowing megafauna in circalittoral fine mud**. While this habitat is of importance it is also widespread and therefore the priority should be to avoid impacting on rarer biotopes and high quality examples, rather than avoiding all impacts. This is probably more relevant to the identification of a dredge disposal site rather than the capital dredging which is expected to occur in previously impacted areas.

The scoping report also refers to surveys carried out for the Uig Bay (Rubha Riadhain) fish farm). This farm is situated over an example of the Priority Marine Feature habitat (PMF) 'Inshore Deep Mud with Burrowing Heart Urchins' which extends across the depositional footprint of the site. Heart urchins were visible in the visual footage but grab samples were necessary to confirm their presence. The brittlestar *Amphiura chiajei*, another indicator species of this biotope, was also recorded in grab samples. Both species were also recorded from the reference sites in Camas Beag but there is no information on the wider extent of this habitat elsewhere within Uig Bay.

Over 30% of records of this PMF within the North East Atlantic occur within UK waters. The habitat is considered to be under threat of anthropogenic decline largely due to bottom trawling activities. The PMF habitat is scarce in Scotland, although it is likely to be under recorded. The main marine regions where it has been recorded are Outer Hebrides, West Highland and Argyll (see Marine Atlas). Confirmed records in the West Highland Marine Region are restricted to Loch Duich, Loch Ailort and Loch Dunvegan/Loch Bay. Records in Loch Laxford and Little Loch Broom have not been corroborated in more recent surveys.

Given the limited records of this PMF habitat within this marine region, and the recorded extent within Uig Bay, we are keen to establish how widespread it is in Uig Bay and recommend that the EIA should consider the likely impacts on this PMF. In particular this should be taken into account in the selection of the location and method of dredge disposal.

Data on the presence of the biotope should be collected as part of the assessment process required in relation to the dredge disposal site (e.g. assessing grab samples for the presence of characteristic species in addition to sediment characteristics). It may also be possible to estimate the distribution of the habitat within the bay based on sediment characteristics.

We support proposals for further sediment contamination testing in the vicinity of the dredge and the dredge disposal site. We defer to Marine Scotland Science regarding appropriate standards for assessing toxins in dredged material. We recommend that the impacts of this material on the PMF habitats be considered.

Once the extent of PMF habitats and the scale of impacts have been predicted and quantified these can be assessed against known sensitivities of PMF habitats. A summary of current understanding regarding sensitivity to various pressures is available via the FEAST (Feature Activity Sensitivity Tool) section of the Marine Scotland website <http://www.marine.scotland.gov.uk/FEAST/FeatureReport.aspx>

We were consulted on proposals for disposal of material from maintenance dredging via beach replenishment in 2015. It would be helpful to clarify whether this operation went ahead and, if so, where and how the dredge material was disposed of. The earlier dredge disposal is likely to have already modified the benthic communities in that location.

4. Other protected species

Otters

An otter survey has been carried out, following an appropriate methodology and did not find any sign of otters within 250m of the proposed works. We agree that no further assessment is required. Otter activity can change over time and we usually recommend that otter surveys are repeated if >18 months elapses between the original survey and commencement of works.

White-tailed eagles

White-tailed eagles (WTE) breed and roost on the cliffs around Uig Bay. They have special protection – guidance can be found on the SNH website at: <http://www.snh.gov.uk/docs/A1230814.pdf>. Given the existing disturbance, it seems unlikely that works at the pier will present significant issues. However, the dumping of dredge material may cause disturbance and should be considered in the EIA.

We recommend contacting the Highland Raptor Study Group co-ordinator for WTE for an update on the current situation. If WTE have nest sites or roost sites within 1km of any of the proposed works a mitigation plan should be produced. Any information which could allow the nest or roost sites to be identified should be supplied as part of a confidential annex.

The Highland Council



Marine Scotland
Per: Jessica Hay
Scottish Government
Marine Lab
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for / Foighnich airson: Shona Turnbull
Direct Dial / Àireamh òn: 01955 609528
Email / Post-d: shona.turnbull@highland.gov.uk
Our Ref / Ur n-àireamh-iùil: 17.04800/PREAPP
Your Ref / Ar n-àireamh-iùil:
Date / Ceann-là: 6 November 2017

By email only

Dear Sir/Madam

MS-LOT CONSULTATION: MS-LOT CONSULTATION: UNDERTAKE REDEVELOPMENT WORKS TO ACCOMMODATE NEW VESSEL, UIG HARBOUR

Thank you for consulting The Highland Council on the above application, which was received on 10 October 2017. For clarity, the comments provided only relate to the marine aspects of the proposal.

Impacts on the Inner Hebrides and the Minches candidate Special Area of Conservation will be appropriately considered by Marine Scotland. This should include cumulative and in-combination effects with the nearby fish farms (ref 14/01595/FUL: Ru Chorachan and 15/03667/FUL: Rubha Riadhain) due to any additional impacts of ADDs on the qualifying feature and any impacts of increased/changes in ferry use e.g. larger and/or more frequent vessels, as well as piling and dredging.

Yours faithfully

Shona Turnbull
Case Officer

The Scottish Environment Protection Agency

Hay J (Jessica)

From: Planning Dingwall <Planning.Dingwall@sepa.org.uk>
Sent: 07 November 2017 09:30
To: MS Major Projects; 'ePlanning'
Subject: RE: Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation - SEPA Response PCS/155492
Attachments: Ferry terminal upgrades at Uig, Lochmaddy and Tarbert

Hi Jessica (and THC Eplanning),

Many thanks for the Uig scoping consultation.

As you'll be aware, we previously provided screening and scoping advice for the three projects at Uig, Tarbert and Lochmaddy (attached). We have reviewed the proposed scope of the Uig EIA against this advice and we are generally supportive of the proposed scope. There are a couple of topics where we have provided further comments as detailed below.

- a) We note the proposals for LNG storage. We have already received some pre-application consultation regarding this and other potential LNG storage facilities for ferries across Scotland as we will regulate these alongside HSE under COMAH. We would encourage the applicant to continue this dialogue so that it can be ensured this all required mitigation can be accommodated within the proposed layout. We will have to advise on the likely consentability of the site layout during the planning application process and therefore it vital that this dialogue continues and that all the required information is submitted in support of the planning application.
- b) We note the proposals to assess water quality. We request that surface water drainage is assessed as part of this as it is important to demonstrate that adequate space is available to treat surface water run-off. Please refer to Section 3 of our previous response for the issues we would expect to be assessed as part of this. In addition we will expect waste water drainage to be directed to the public sewer. This should be shown on site plans. Please note Section 5 of our previous response in terms of existing waste water outfalls. These should be included within any site plans too.
- c) We welcome the proposals to assess flood risk. We wish to take this opportunity to highlight that there will be updated Coastal Flood Boundary levels for Scotland available by the end of the year and updated climate change predictions in the spring of 2018.
- d) The Scoping Report does not clarify whether borrow pits are required. We therefore assume that none are proposed. This should be stated within the applications. If this is not the case then the issues detailed in Section 6 of our previous response should be assessed.
- e) We note the proposal for a construction environmental management plan. As detailed in Section 7 of our previous response, our preference is that detailed site plans are submitted to demonstrate how impacts on the environment have been minimised through site design and that all mitigation should be detailed within a suitably robust schedule of mitigation as part of the application. Across Scotland, we have found that the use of maps, plans and a supporting schedule of mitigation are more effective at ensuring that mitigation is implemented than CEMPs. CEMPs tend to contain too much text and repetition to be useful to contractors and site operatives. As a result we will expect the applications to include detailed site plans and site specific schedule of mitigation.
- f) For the proposed land reclamation, given the use of sheet piles it is likely we will regulate this activity under The Waste Management Licensing (Scotland) Regulations 2011 (WML) should waste dredging spoil be utilised. We will have to advise on the likely consentability of this proposal at the planning application and marine licence application stage. We note there may be heavy metals within the dredging spoil. If it is proposed to utilise this dredging spoil within the land reclamation then the submission should demonstrate that the heavy metal spoil will not cause harm to the environment. SEPA's [Waste Classification Technical Guidance WM3](#) may assist in assessing the potential hazardous nature of the spoil.

I hope the above assists but please do not hesitate to contact us if you have any queries.

The Maritime Coastguard Agency

Hay J (Jessica)

From: Helen Croxson <Helen.Croxson@mcga.gov.uk>
Sent: 09 November 2017 10:12
To: Hay J (Jessica); MS Major Projects
Cc: Thomas Bulpit
Subject: RE: Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation - Response required by 09 November 2017

Jessica,

Thank you for the opportunity to comment on the scoping request for the Uig Ferry Terminal development.

On this occasion we are content that any navigation safety concerns can be addressed by suitably worded conditions at the formal marine licence stage.

We would like to point the developers in the direction of the Port Marine Safety Code (PMSC) and Guide to Good Practice (GTGP). They will need to liaise and consult with the local Harbour Authority, in this case The Highland Council (and in consultation with Calmac Ferries Ltd), to develop a robust Safety Management System (SMS) for the project under this code. The Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it, during and after the construction. I note that the development plans also include new LNG storage tanks.

At the Marine Licence stage I would expect to see consideration given to any potential impact the construction works may have on vessels operating in the area and proposed risk mitigation methods. As the upgrade includes the widening of a berth structure and new dredging, I would expect the developers to notify the UK Hydrographic Office at the Marine Licencing stage for consideration of updates to nautical charts and publications. The local coastguard and local MCA Marine Office should also be notified of the proposed works.

Kind regards

Helen

Helen Croxson
Acting OREI Advisor and
Marine Licensing Lead
Maritime and Coastguard Agency
Bay 2/25 Spring Place
105 Commercial Road
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SO15 1EG

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Please note I currently work Tuesdays, Wednesdays and Thursdays.

The Northern Lighthouse Board

Northern Lighthouse Board

Your Ref: Email dated 10/10/17
Our Ref: GB/OPS/ML/H1_01_431

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Ms Jessica Hay
Marine Licensing Officer
Marine Scotland – Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

18 October 2017

Dear Jessica

MARINE (SCOTLAND) ACT 2010 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED) ("THE EIA REGULATIONS") AND THE HARBOURS ACT 1964 ("THE ACT") – HIGHLAND COUNCIL (PER AFFRIC) – FERRY TERMINAL REDEVELOPMENT WORKS – UIG FERRY TERMINAL, UIG, ISLE OF SKYE

Thank you for your email correspondence dated 10 October 2017 regarding the proposal by Highland Council (per Affric) for ferry terminal redevelopment works at Uig, Isle of Skye.

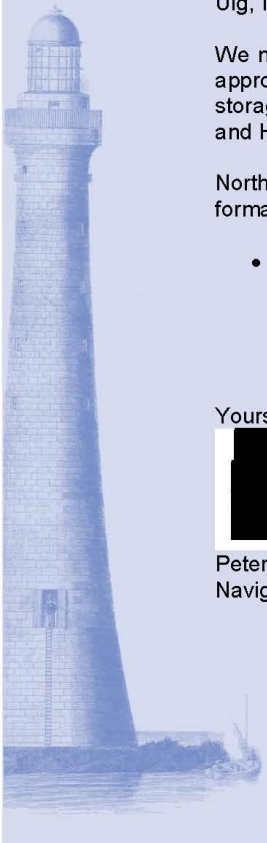
We note the redevelopment works will include dredging, major pier works (including approach widening, berth widening, new linkspan and possible Liquid Natural Gas storage facility), relocation of outer dolphin, offshore wave screen, land reclamation and HRO.

Northern Lighthouse Board has no objections to these proposals, and will reply formally in response to the Marine Licence applications, and would initially advise:

- That the existing Aids to Navigation (AtoN) are reviewed and an overall plan for AtoN at the ferry terminal is discussed with the Northern Lighthouse Board.

Yours sincerely

Peter Douglas
Navigation Manager



the safety of

to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS

Historic Environment Scotland



By email to: jessica.hay@gov.scot

Ms Jessica Hay
Marine Scotland Licensing Operations Team
Marine Scotland (Aberdeen Office)
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMN/16/H
Our case ID: 300023954

07 November 2017

Dear Ms Hay,

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Harbour Works (Environmental Impact Assessment) Regulations 1999
Uig Harbour Redevelopment
Scoping Report

Thank you for your consultation which we received on 10 October 2017 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The Highland Council's archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

I understand that the proposed development comprises the redevelopment of Uig Harbour on the Isle of Skye. This will comprise both on-shore and off-shore elements including dredging and harbour widening works and the construction of a new terminal building.

Scope of assessment

While we note that the *North Cuil, cairn (Scheduled Monument, Index No.900)* is located in the vicinity of the proposed development, we are content that significant impacts on terrestrial heritage assets and their settings are unlikely in this instance. On this basis,

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



we would be content for terrestrial heritage assets within our statutory remit to be scoped out of the assessment.

We would, however, recommend that any Environmental Impact Assessment (EIA) undertaken should give consideration to where the proposed works may affect undesignated wreck sites and unknown marine remains. The potential for direct and indirect impacts on any such assets should be considered with appropriate involvement of archaeological expertise. Impacts may include direct disturbance, contamination and loss to historic environment assets and the de-stabilisation of sites.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours sincerely,

Historic Environment Scotland

The Royal Yachting Association



Royal Yachting Association Scotland

RYA Scotland

Caledonia House
1 Redheughs Rigg
South Gyle
Edinburgh
EH12 9DQ

Tel: +44 (0)131 317 7388
Fax: +44 (0)844 556 9549
Email: admin@ryascotland.org.uk
Web: www.ryascotland.org.uk

6 November 2017

Jessica Hay, Marine Scotland Licensing Operations Team
Scottish Government, Marine Laboratory,
375 Victoria Road, Aberdeen, AB11 9DB

ms.majorprojects@gov.scot ; jessica.hay@gov.scot

Dear Jessica,

Scoping opinion request, Uig Ferry Terminal Development

I have read the Scoping Document on behalf of RYA Scotland. We recognise the importance of the work being carried out.

In relation to section 3.18, Gairloch Boat Club is marginally nearer than Comann na Mara in Lochmaddy. However, apart from Uig based boats, most recreational vessels using Uig will be those of visitors on relatively long voyages. The current (2013) edition of the Clyde Cruising Association *Sailing Directions and Anchorages, Ardnamurchan to Cape Wrath* notes that anchorage is possible in the shelter of the pier and that yachts can go alongside the pier during the day when the fishing boats are at sea. It is also stated that there are 'aspirations to improve the facilities for yachts at Uig'.

Section 3.18.3 of the report mentions the RYA data. The current edition of the RYA *UK Coastal Atlas of Recreational Boating* includes heat maps of recreational craft traffic based on AIS transmissions. Although the resolution is only about 1 km this should be adequate for the EIA, particularly as the tracks of the approximately 20% of cruising boats that transmit a AIS signal are considered representative of recreational craft as a whole in places such as Uig where navigation is not constrained by narrow passages, offshore reefs and strong tidal streams. Note that the sailing routes, which were carried over from the previous edition of the atlas, were plotted using expert knowledge at a time before the recent expansion in marine tourism. I see no need to collect further data. However, I recommend that Alan Rankin (alan.rankin@coigachconsulting.com), the Manager of the Scottish Marine Tourism Strategy is contacted to see whether Uig has been identified as a possible location for growth in recreational or cruise traffic.

This work provides an opportunity to review and possibly expand provision for recreational craft at Uig so that the local economy can benefit. In that respect I note the potential addition of a concrete slipway, which I would welcome were access to be permitted to recreational craft at a reasonable cost.

For these reasons I support the proposal in 3.22 to scope commercial and recreational navigation into the EIA.

Yours sincerely,

Dr G. Russell FRImetS MCIEEM
Planning and Environment Officer, RYA Scotland

Defence Infrastructure Organisation

Hay J (Jessica)

From: DIO- Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.uk>
Sent: 06 November 2017 09:26
To: Hay J (Jessica)
Subject: RE: 20171106-Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation-DIO 10041604-O

Good Morning Ms Hay,

Further to your e-mail below and after our assessment, I can confirm that the MOD has No Objection to the proposed activity. I hope this information is sufficient for your purposes.

Regards

Michael Billings

Safeguarding Assistant- Environment & Planning Support – Safeguarding

DIO Safety Environment & Engineering

Defence Infrastructure Organisation

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

MOD telephone: 94421 2025 | **Telephone:** 0121 311 2025 | **Fax:** 0121 311 2218 | **Email:** DIOSEE-EPSSG2A1A@MOD.UK
Website: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Release-Authorised:

Recipient(s):

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From: Jessica.Hay@gov.scot [mailto:Jessica.Hay@gov.scot]

Sent: 10 October 2017 09:31

To: south_highland@snh.gov.uk; planning.dingwall@sepa.org.uk; navigation@nlb.org.uk; navigationsafety@mcga.gov.uk; Darren.Hirst@bidwells.co.uk; pauline.mcgrow@ryascotland.org.uk; sarah.dolman@whales.org; fiona.read@whales.org; renewables@sff.co.uk; science@hwdt.org; planning.scotland@rspb.org.uk; Scotland-EIA.Scoping-Opinions@hse.gov.uk; hmconsultations@hes.scot; FO.Portree@gov.scot; Phil.Gilmour@gov.scot; alastair.mcruraidh.mcneill@gmail.com; Val.Ferguson@transport.gov.scot; operations@cmassets.co.uk; brian@asfb.org.uk; TReardon@ukchamberofshipping.com; richard.nevinson@british-shipping.org; DIO-Safeguarding-Offshore (MULTIUSER); scollin@scottishwildlifetrust.org.uk; secretary@marinesafetyforum.org; uigcommunitycouncil@gmail.com; eplanning@highland.gov.uk
Subject: Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation - Response required by 09 November 2017

Dear Sir/Madam,

Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").

Whale And Dolphin Conservation

Hay J (Jessica)

From: Fiona Read <fiona.read@whales.org>
Sent: 13 November 2017 18:36
To: Hay J (Jessica); MS Major Projects
Cc: Sarah Dolman
Subject: RE: Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation - Response required by 09 November 2017

Dear Jessica,

Apologies for responding late to the Uig Ferry Terminal Development Scoping Report consultation.

We have concerns about the close proximity of the proposed development to the Inner Hebrides and the Minches SAC for harbour porpoise. Therefore, we do not agree with the present statement that based on the use of marine mammal observers and soft start during pile driving there will be 'no Likely Significant Effects' to harbour porpoise. Full analysis on underwater noise propagation during development, especially for the noise generated during impact pile driving, will need to be conducted. If there is going to be significant noise from the development in the SAC, further mitigation methods, such as bubble curtains, may be required. Furthermore, an EPS licence will be required.

We are happy to discuss these comments further.

Best wishes,

Fiona

Fiona Read
Policy officer
End Bycatch

Telephone: +44 (0)791 869 3023
whales.org

From: Jessica.Hay@gov.scot [mailto:Jessica.Hay@gov.scot]
Sent: 10 October 2017 09:31
To: south_highland@snh.gov.uk; planning.dingwall@sepa.org.uk; navigation@nlb.org.uk; navigationsafety@mcga.gov.uk; Darren.Hirst@bidwells.co.uk; pauline.mcgrow@ryascotland.org.uk; Sarah Dolman; Fiona Read; renewables@sff.co.uk; science@hwdt.org; planning.scotland@rspb.org.uk; Scotland-EIA.Scoping-Opinions@hse.gov.uk; hmconsultations@hes.scot; FO.Portree@gov.scot; Phil.Gilmour@gov.scot; alastair.mcruaraidh.mcneill@gmail.com; Val.Ferguson@transport.gov.scot; operations@cmassets.co.uk; brian@asfb.org.uk; TReardon@ukchamberofshipping.com; richard.nevinson@british-shipping.org; DIO-safeguarding-offshore@mod.uk; scollin@scottishwildlifetrust.org.uk; secretary@marinesafetyforum.org; uigcommunitycouncil@gmail.com; eplanning@highland.gov.uk
Subject: Scoping Opinion Request - Highland Council (per Affric) - Uig Ferry Terminal Development - Consultation - Response required by 09 November 2017

Dear Sir/Madam,

Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").

Please find attached the scoping opinion request documentation submitted by Affric on behalf of Highland Council in regards to their proposals for the Uig Ferry Terminal Development.

The proposals include terrestrial and marine development therefore planning permission and marine licence(s) will be required. Due to the nature of the works Environmental Impact Assessment is also required

Appendix II: Licensing Process

Pre-Dredge Sampling

Please note that if it is intended to dispose of any dredged material at sea, adequate pre-dredge sample analysis must be submitted in support of the EIA Report and marine licence dredging application. The licensing authority reserves the right not to accept an application in the absence of acceptable sediment analysis data.

Please refer to the pre-dredge sampling guidance provided in Appendix III.

Ordinance Survey (“OS”) Mapping Records

Applicants are requested at application stage to submit a detailed OS plan showing the site boundary and location of all deposits and onshore supporting infrastructure in a format compatible with The Scottish Government’s Spatial Data Management Environment (“SDME”), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

Advertisement

Where the applicant has provided the Scottish Ministers with an EIA Report, the applicant must publish their proposals in accordance with Regulation 16 of The Marine Works 2017 (as amended) and ensure that a reasonable number of copies of the EIA Report are available for inspection at any place named in the publication. Licensing information and guidance, including the specific details of the adverts to be placed in the press, can be obtained from the Scottish Ministers. If additional information is submitted further public notices will be required

EPS licence

European Protected Species (“EPS”) are animals and plants (species listed in Annex IV of the [Habitats Directive](#)) that are afforded protection under [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended) and [The Offshore Marine Conservation \(Natural Habitats, &c.\) Regulations 2007](#) (as amended). All cetacean species (whales, dolphins and porpoise) are European Protected Species. If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.

A licence may be granted to undertake such activities if certain strict criteria are met:

- there is a licensable purpose;
- there are no satisfactory alternatives, and;
- the actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the [guidance on the protection of marine European Protected Species](#) for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following the determination of the EIA application and once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the EIA Report.

Basking sharks are also afforded protection under the Wildlife & Countryside Act 1981 (as Amended by the Nature Conservation (Scotland) Act 2004).

Appendix III Pre-Dredge Sampling Guidance



Marine Scotland

Pre-disposal Sampling Guidance
Version 1 – January 2017



Table of Contents

1. Introduction	1
2. Pre-disposal sampling stages	1
3. Sampling and analysis requirements	3
4. Submitting results	4

1. Introduction

Sea disposal operations are controlled by:

- [Marine \(Scotland\) Act 2010](#);
- [OSPAR Convention 1992](#), see also;
 - [OSPAR Guidelines for the Management of Dredged Material at Sea](#);
 - [JAMP Guidelines for Monitoring Contaminants in Sediments](#)
- [The EU Waste Directive](#);
- [The London Convention & Protocol](#);
- [The EU Water Framework Directive](#); and
- [Scotland's National Marine Plan](#).

The requirements set out in this document will ensure applications are in compliance with the above. Deviations from these requirements are liable to result in delays in processing your application as well as the potential requirement for further sampling, analysis and assessment. Please retain **all** samples until determination of your application has been made in case further analysis is required.

2. Pre-disposal sampling stages

The process map ([see Figure 1](#)) shows the stages both applicant and MS-LOT must go through to determine a marine licence application for sea disposal activities.

Figure 1 – Process map of pre-disposal sampling stages



3. Sampling and analysis requirements

There are a minimum number of sample stations required for each dredge volume (see Table 1).

Table 1 – Minimum sample stations required by dredge volume

Proposed dredge volume (m ³)	No. of sample stations required
≤25,000	3
32,500	4
50,000	5
75,000	6
100,000	7
150,000	8
200,000	9
250,000	10
300,000	11
350,000	12
400,000	13
450,000	14
500,000	15
600,000	16
700,000	17
800,000	18
900,000	19
1,000,000	20
1,100,000	21
1,200,000	22
1,300,000	23
1,400,000	24
1,500,000	25
1,600,000	26
1,700,000	27
1,800,000	28
1,900,000	29
2,000,000	30
>2,000,000	Seek guidance from ms.marinelicensing@gov.scot

If you are dredging more than 1 metre in depth or in an area with known or suspected contamination you will be required to take core samples, cores should extend to the maximum dredge depth. Individual cores count as 1 station, so a 100,000m³ dredge of over 1 metre would require 7 cores to be collected. When a core is collected you should sub-sample the surface layer (0-15cm) then every 50cm thereafter. Initially you should select sub-samples from the surface, middle and bottom of the core for analysis, with **all** sub-samples retained for further analysis.

Table 2 – Action Levels

Contaminant	Revised AL1 mg/kg dry weight (ppm)	Revised AL2 mg/kg dry weight (ppm)
Arsenic (As)	20	70
Cadmium (Cd)	0.4	4
Chromium (Cr)	50	370
Copper (Cu)	30	300
Mercury (Hg)	0.25	1.5
Nickel (Ni)	30	150
Lead (Pb)	50	400
Zinc (Zn)	130	600
Tributyltin	0.1	0.5
Polychlorinated Biphenyls	0.02	0.18
Polyaromatic Hydrocarbons		
Acenaphthene	0.1	
Acenaphthylene	0.1	
Anthracene	0.1	
Fluorene	0.1	
Naphthalene	0.1	
Phenanthrene	0.1	
Benzo[a]anthracene	0.1	
Benzo[b]fluoranthene	0.1	
Benzo[k]fluoranthene	0.1	
Benzo[a]pyrene	0.1	
Benzo[g,h,i]perylene	0.1	
Dibenzo[a,h]anthracene	0.01	
Chrysene	0.1	
Fluoranthene	0.1	
Pyrene	0.1	
Indeno(1,2,3cd)pyrene	0.1	
Total hydrocarbons	100	
Booster Biocide and Brominated Flame Retardants *		

*Provisional Action Levels for these compounds are subject to further investigation.

4. Submitting results

Results should be submitted to MS-LOT using the Pre-disposal Sampling Results form.