

Appropriate Assessment for Uig Ferry Terminal Development, Uig Harbour, Isle of Skye. May 2020.

marinescotland



Scottish Government
Riaghaltas na h-Alba
gov.scot

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

**MARINE SCOTLAND LICENSING OPERATIONS TEAM'S
ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR
DESIGNATED SPECIAL AREAS OF CONSERVATION IN VIEW OF THE
SITES' CONSERVATION OBJECTIVES.**

**APPLICATION FOR MARINE LICENCES UNDER THE MARINE (SCOTLAND) ACT
2010 FOR FERRY TERMINAL DEVELOPMENT.**

SITE DETAILS: UIG HARBOUR, UIG BAY, ISLE OF SKYE

Name	Assessor or Approver	Date
Claire Crookston	Assessor	01/05/2019
Thomas Inglis	Assessor	15/10/2019
Louise Msika	Approver	19 May 2020

TABLE OF CONTENTS

SECTION 1: BACKGROUND	2
1 Appropriate assessment conclusion	2
2 Introduction.....	2
3 Details of proposed project	2
4 Consultation.....	7
5 Main points raised during consultation	7
SECTION 2: INFORMATION ON NATURA SITES	7
6 Background information and qualifying interests for the relevant Natura sites	7
SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994	9
7 Requirement for appropriate assessment.....	9
8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.	10
9 In combination assessment	13
10 MS-LOT Conclusion	19
SECTION 4: CONDITIONS	19
11 Requirement for conditions.....	19

LIST OF TABLES

Table 1. Name of Natura sites affected and relevant link(s) to SNHi website	7
Table 2 European qualifying interests	7
Table 3 Conservation objectives	8
Table 4: Fish farms identified as having a likely significant effect on the Inner Hebrides and the Minches SAC	16
Figure 1. Site plan with annotations	6

SECTION 1: BACKGROUND

1 Appropriate assessment conclusion

- 1.1 This appropriate assessment (“AA”) concludes that there will be no adverse effect on the site integrity of the Inner Hebrides and the Minches Special Area of Conservation (“SAC”) or the Ascrib, Isay and Dunvegan SAC from the Highland Council proposal either in isolation or in combination with other plans or projects, providing that the conditions set out in Section 4 are complied with.
- 1.2 Marine Scotland – Licensing Operations Team (“MS-LOT”) considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the Highland Council proposal will not adversely affect the integrity of the Inner Hebrides and the Minches SAC or the Ascrib, Isay and Dunvegan SAC and is satisfied that no reasonable scientific doubt remains.

2 Introduction

- 2.1 This is a record of the AA undertaken by MS-LOT in regards to the Highland Council (“the Applicant”) proposal to upgrade the Uig Ferry Terminal in Uig Bay as required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”). This AA is in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”) and Council Directive 2009/147/EC on the conservation of wild birds (“the Birds Directive”). MS-LOT, as the 'competent authority' under the 1994 Habitats Regulations, has to be satisfied that the Highland Council proposal will not adversely affect the integrity of any European site (SAC and Special Protection Areas, known as Natura sites), either alone or in combination with other plans or projects, before it can grant consent for the proposal.
- 2.2 Scottish Natural Heritage (“SNH”) has been consulted.

3 Details of proposed project

- 3.1 The Uig ferry terminal development includes the following components located below the Mean High Water Springs (“MHWS”) line (“the Works”) (Figure 1):
- Widening of the pier approachway;
 - Widening and strengthening of the existing berthing structure;
 - Installation of new linkspan, lifting dolphins and bankseat;
 - Dredging and deposit of dredge materials at a new sea deposit site;

- Sea deposit site creation within Uig Bay;
 - Extension of marshalling area by land reclamation (11,000m²) and associated rock armouring;
 - Construction of three oil separators and extension of a culvert pipe.
- 3.2 The ferry terminal development will be carried out either as one continuous delivery programme or as a three phase project. In this case, phase one would consist of “essential upgrades” comprising almost all Works below MHWS (including but not limited to widening of the approachway, re-fendering of the approachway, widening the berthing structure, installing a new wave wall and dredging with sea deposit of dredge material). Phase two would involve the land reclamation to accommodate the new marshalling area and fisherman’s compound and phase three would involve terrestrial works above MHWS. If the Works are to be carried out as one continuous programme, the expected time to complete the development will be 24 months and if the three phase programme is selected then 40 working months will be required, with 18 months for phase one, 18 months for phase two and the remaining 4 months for phase three.
- 3.3 Both vibratory and impact piling may be used during the Works. The simultaneous use of two or more piling rigs will be minimised but remains a possibility. Construction works will only be carried out between 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturday. Whilst the construction programme is scheduled to last several months, the duration of impact piling, expressed as an average number of hours per day, is estimated to be a maximum of 0.9 hours per day but only for a period of 7-8 months. Vibratory piling during the first eight months will be carried out for up to 5.7 hours per day, depending on the construction programme selected. After that the duration will reduce to 0-1.7 hours per day.

Approachway upgrades

- 3.4 The current approachway is to be widened by 6m from the original fisherman’s compound to the end of the old pier head. This will require the use of 82 tubular steel piles of 559mm diameter while pre-cast concrete crosshead units will be placed directly onto driven bearing piles. The existing concrete deck will be repaired while a combination of pre-cast and in situ concrete will be used to construct the rest of the deck. The existing timber grillage, fenders, steel boat deflectors and boat steps that are used by fishing and other smaller vessels will also be replaced.

Berthing structure upgrades

- 3.5 The Works involve extending the width of the berthing structure by 16m to an overall width of 25.5m. A new wave wall will be constructed along the western side of the widened structure. This will replace the existing wall which will be demolished. In addition, the existing waiting shelter will be demolished, to be replaced by a new relocated shelter. The demolition works will most likely be through cutting or using hydro demolition. The widened berthing structure will comprise 9 circular cells, each of 14.09m diameter and 8 arc cells. To complete these, a total of 1,096 straight web piles and 61 H piles will be required. The Applicant estimates that 1400m³ of sand and gravel infill will be required for the circular cells and 700m³ for the arc cells. The last arc cell and the two final circular cells will be infilled with concrete. Pre-cast concrete deck units will be placed between the crossheads and the completion of the deck will be achieved through the placement of pre-cast and existing concrete. To tie the approachway to the circular cells, 25 U piles will be used. The widened berthing structure will have new fendering, provided by 9 fender piles. For the purposes of scour protection, rock armour and/or a grout filled blanket will be placed along the toe of the circular cell walls.

Linkspan, bankseat and lifting dolphin upgrades

- 3.6 The existing linkspan will be removed with the existing piles cut to 600mm below the seabed. The new linkspan will be positioned up to 10m to the north of the current position and will be rotated by up to 5°. To facilitate this, up to 10m of the existing pier head needs to be demolished where the existing linkspan meets the pier head. The pier will be cut using a diamond core or using hydro demolition. The linkspan will sit on a new reinforced concrete bankseat that will supported by either 50 steel sheet piles or 6 vertical and 4 raker piles. The new lifting dolphins will be placed on concrete blocks and be supported by 10 steel piles.

Dredging

- 3.7 Dredging will be carried out in two dredge pockets, the first being the berthing area which will be dredged to -5.9m Chart Datum ("CD") by removing approximately 29,642m³ of material. The second dredge pocket is along the approachway and will be dredged to a depth of -0.7m CD, removing approximately 1,150m³ of material. It is likely that a cutter suction hopper dredger will be used due to the hard ground conditions. The dredge material will be deposited at the sea deposit site within the outer Uig Bay, 2km south west of the pier. The size of the sea deposit site is 0.125km².

Land reclamation

The existing marshalling area will be extended by reclaiming approximately 11,700m² of land. This will require approximately 50,000m³ of infill material to achieve a level of 8m CD. The area will be infilled with an inert mixture of sand and gravel. Rock armour revetment and/or a sheet pile wall will be constructed around the reclaimed area and approximately 30 piles will be installed within the area of reclamation to support the ticket office.

Upgrades to utilities

- 3.8 Three oil separators will be constructed during the works. These will be located at the edge of the marshalling area, the approachway and the berthing structure. Surface water drainage from the marshalling area and parts of the approachway will drain by pipework and gullies and tie into a diverted, extended culvert located at the current marshalling area. The existing concrete pipe culvert will be extended to approximately 220m, an increase of 78m.

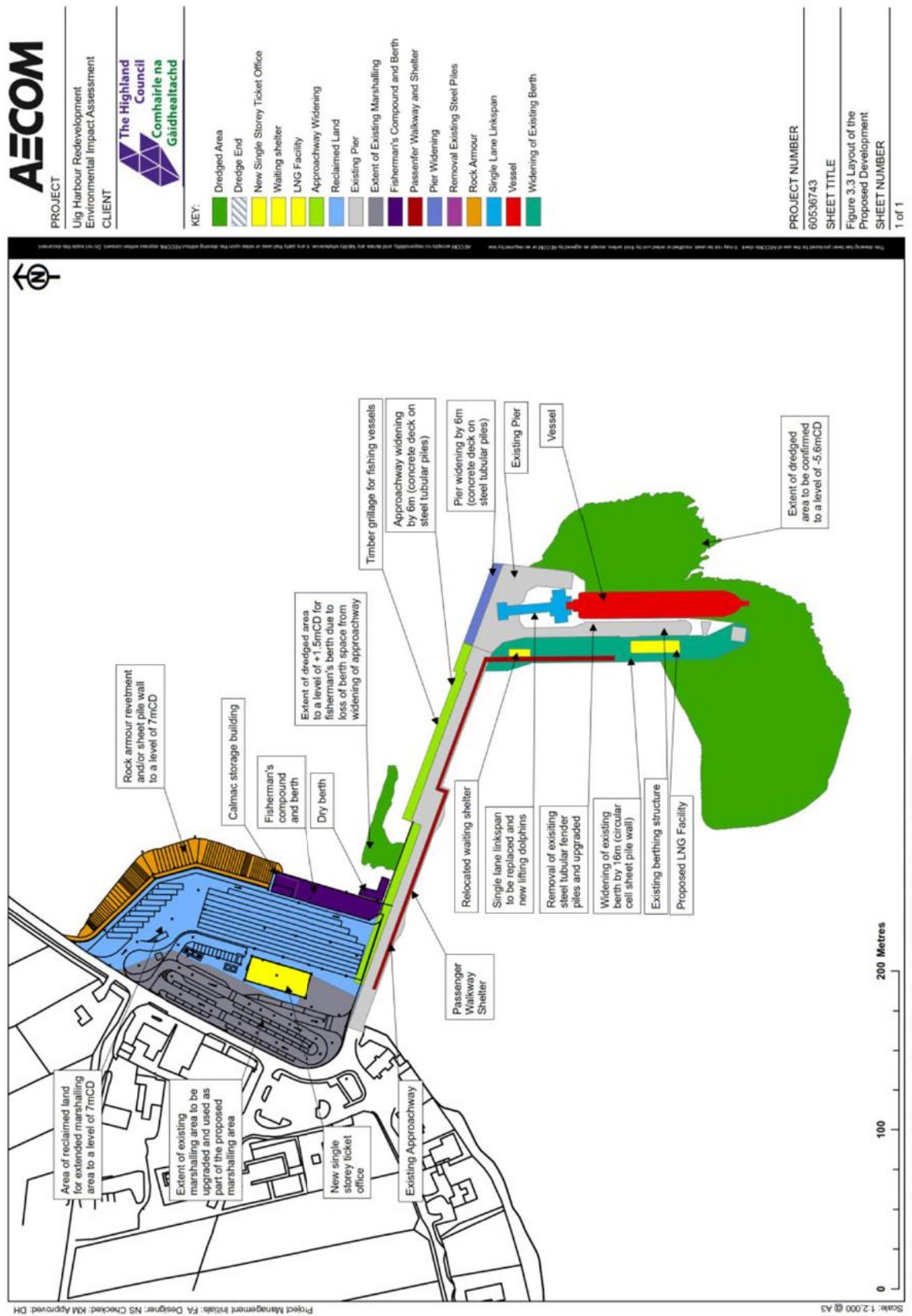


Figure 1. Site plan with annotations

4 Consultation

- 4.1 SNH was consulted on the marine licence application and supporting information, including an Environmental Impact Assessment Report (“EIA Report”) on 01 March 2019 and provided a response on 28 April 2019, advising that an AA was required. SNH was asked for further clarification on 10 March 2020 regarding their advice on the use of multiple simultaneous piling rigs and a response was received on 20 March 2020.

5 Main points raised during consultation

- 5.1 SNH advised that the Highland Council proposal is likely to have significant effects upon the harbour porpoise and harbour seal qualifying interests of the Inner Hebrides and the Minches SAC and the Ascrib, Isay and Dunvegan SAC, respectively and that an appropriate assessment is required.

SECTION 2: INFORMATION ON NATURA SITES

6 Background information and qualifying interests for the relevant Natura sites

- 6.1 This section provides links to the Scottish Natural Heritage Interactive (“SNHi”) website where the background information on the sites being considered in this assessment is available. The qualifying interests for the sites are listed as are the conservation objectives.

Table 1. Name of Natura sites affected and relevant link(s) to SNHi website

Inner Hebrides and the Minches SAC https://sitelink.nature.scot/site/10508
Ascrib, Isay and Dunvegan SAC https://sitelink.nature.scot/site/8193

Table 2 European qualifying interests

Inner Hebrides and the Minches SAC
• Harbour porpoise (<i>Phocoena phocoena</i>)

Ascrib, Isay and Dunvegan SAC <ul style="list-style-type: none">• Harbour seal (<i>Phoca vitulina</i>)
--

Table 3 Conservation objectives

Inner Hebrides and the Minches SAC

1. To ensure that the Inner Hebrides and the Minches SAC continues to make an appropriate contribution to harbour porpoise remaining at favourable conservation status.

2. To ensure for harbour porpoise within the context of environmental changes, that the integrity of the Inner Hebrides and the Minches SAC is maintained through 2a, 2b and 2c:

2a. Harbour porpoise within the Inner Hebrides and the Minches are not at significant risk from injury or killing.

2b. The distribution of harbour porpoise throughout the site is maintained by avoiding significant disturbance.

2c. The condition of supporting habitats and the availability of prey for harbour porpoise are maintained.

Ascrib, Isay and Dunvegan SAC

To avoid deterioration of the habitats of the qualifying species (listed above), or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- (i) Population of the species as viable component of the site;
- (ii) Distribution of the species within site;
- (iii) Distribution and extent of habitats supporting the species;
- (iv) Structure, function and supporting processes of habitats supporting the species; and
- (v) No significant disturbance of the species.

SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

7 Requirement for appropriate assessment

7.1 Is the project directly connected with or necessary to the conservation management of the sites?

The project is not directly connected with or necessary to the conservation management of the sites.

7.2 Is the project likely to have a significant effect on the qualifying interest(s)?

7.2.1 The EIA Report identified the potential for likely significant effects on the qualifying interest of the Inner Hebrides and the Minches SAC during the construction phase of the Highland Council proposal arising from:

- Impact piling that is likely to result in the propagation of underwater sound into Uig Bay and Loch Snizort. Harbour porpoise are known to be sensitive to particularly high frequency, underwater sound. Prior consultation with SNH confirmed the potential for disturbance to occur over some distance with potential for behavioural disturbance and/or hearing loss if porpoise are too close to an intense noise source when initiated; and
- Changes to water quality resulting in increased suspended sediments or mobilisation of contamination as a result of dredge and dredge material deposit activities causing disturbance.

7.2.2 In its response dated 28 April 2019, SNH advised that the Highland Council proposal would have a likely significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC, mainly from underwater noise produced by piling of large number of various types of piles, with different noise levels and characteristics during pier construction. This is likely to be the most significant source of underwater noise however noise will also be produced by capital dredging, sea deposit of dredge material and the associated increase in vessel movements during construction. SNH also advised that harbour porpoise may be affected by sediment disturbance from the dredging and sea deposit activities. SNH also noted that no drilling or blasting is required during the Works, but made it clear that if blasting is required for the removal of the sea wall, further assessment will be required.

Appropriate Assessment for Uig Ferry Terminal Development, Uig Harbour, Isle of Skye. May 2020.

- 7.2.3 The EIA Report found that there was sufficient distance between the construction site and the Ascrib Isay and Dunvegan SAC that there would be no connectivity between the two. However, SNH advised that Uig Harbour does lie within the foraging range of harbour seals which haul out within the SAC and thus the Highland Council proposal would have a likely significant effect on the Ascrib, Isay and Dunvegan SAC. Seals are also sensitive to noise disturbance and therefore may be affected by the Works.
- 7.2.4 MS-LOT agrees with SNH's advice and has undertaken an AA for the Inner Hebrides and the Minches SAC and the Ascrib, Isay and Dunvegan SAC.

8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.

- 8.1 MS-LOT has considered the applications and supporting documentation, including the EIA Report and the SNH consultation responses.

Inner Hebrides and the Minches SAC

- 8.2 The Inner Hebrides and the Minches SAC is located within 1 km of the Uig ferry terminal and the sea deposit site is within the SAC. Likely significant effects on the harbour porpoise feature of the Inner Hebrides and the Minches SAC were identified from the propagation of underwater sound from the piling works, and the changes to water quality from increased suspended sediments and the mobilisation of heavy metals from the dredging and deposit of dredge material.

Underwater Noise

- 8.3 During the construction phase, unmitigated noise from both vibratory and impact piling could adversely impact harbour porpoise in the vicinity of Uig Harbour. Harbour porpoise are known to have very sensitive hearing and react to underwater sound at significant distances from the sound source. The EIA Report notes that harbour porpoise are sensitive to acoustic disturbance due to their use of underwater sound for echolocation and communication. In the EIA Report, the applicant has outlined a series of mitigation measures which include compliance with the Joint Nature Conservation Committee ("JNCC") piling mitigation protocol, including the establishment of a 500m mitigation zone that will be monitored by suitably qualified Marine Mammal Observers ("MMO") positioned at vantage points in Uig Bay. Pre-piling MMO watches will begin 30 minutes before the commencement of any piling activity and piling will not commence if any marine mammals are detected within the mitigation

zone or until 20 minutes after the last visual or acoustic detection. Passive acoustic monitoring (“PAM”) equipment positioned in a suitable location close to the entrance to Uig Bay will be used to monitor for presence of harbour porpoise if any impact piling commences during periods of darkness, poor weather conditions or reduced visibility. A soft-start procedure will be used for all impact piling with initial power levels to be approximately 10% of the final level. The Applicant also aims to minimise the simultaneous use of two piling rigs at the site during the Works and will ensure that no simultaneous impact piling occurs. These mitigation measures will be encapsulated in a Marine Mammal Management Plan (“MMMP”) which will be produced by the Applicant prior to works commencing.

8.4 SNH advised that the significance of underwater noise impacts depends on the magnitude and duration of the activity but that it can result in mortality, auditory injury, disturbance and the masking of key communication. SNH noted several shortcomings in the underwater noise modelling in the EIA Report, but concluded that while the methodology is basic, it is sufficient, alongside other readily available information, to reach a conclusion on the impacts of the noise generated by the proposal. SNH concluded that the risk of instantaneous auditory damage is low and any risk of direct mortality or injury can be adequately mitigated using the JNCC mitigation protocol for piling. SNH noted that while the applicant aims to minimise the use of multiple piling rigs simultaneously, this remains a possibility. The simultaneous use of multiple piling rigs will shorten the disturbance period and SNH maintains that the effects on harbour porpoise can be mitigated through adherence to the identified mitigation measures, negating the need to limit the number of piling rigs used.

8.5 SNH provided specific advice to inform the content of the MMMP. It requested that the following should be included in the document:

- details of the locations and experience of the MMO and PAM operators
- the type of PAM system to be deployed, its location and when it is to be used, and details of the communication protocol between the MMO and PAM operators and piling contractors
- details of any underwater noise measurement protocol, including the type of system to be used, how the noise levels will be analysed and calibrated and how the levels will be reported

These requirements will be detailed in the MMMP condition, included in Section 4.

- 8.6 SNH advised that adherence to the JNCC piling mitigation protocol does not protect against disturbance. SNH noted that disturbance is most likely during the construction phase and the disturbance zone has been assessed as extending >10km from the works. Piling will either be needed during 24 or 40 months depending on the construction scenario. As the average daily piling duration is <0.9 hours for impact piling and <5.7 hours for vibratory piling, SNH considers this non-significant temporary disturbance and advised that there is no risk to the site integrity of the Inner Hebrides and the Minches SAC.
- 8.7 The EIA Report identified that the density of harbour porpoise in Loch Snizort and Uig Bay is low with only a small number of individuals potentially affected. These individuals would be expected to exhibit avoidance behaviour during much of the construction programme and considered likely to recover after the animal moves away or piling stops. Animal presence and density is expected to return to baseline levels following completion of construction activities. Consequently effects of piling on harbour porpoise population levels are not expected to be significant. Through implementation of the mitigation measures included within the MMMP, no significant impacts to marine mammals, as a result of noise from the Works are predicted.

Water Quality

- 8.8 Sediment dispersion modelling was undertaken to assess the impact of the Highland Council proposal on harbour porpoise. The EIA Report concluded that the impact of an increased suspended sediment concentration (“SSC”) on harbour porpoise was low due to the short duration and the relatively low concentration of suspended sediments. Harbour porpoise are often observed in areas with high sediment load, such as estuaries, demonstrating tolerance for turbid waters. Harbour porpoise can also easily move away from more turbid areas if required. Due to the already high concentrations of some heavy metals found around Uig Bay and the low likelihood of the heavy metals becoming bioavailable during dredging, the impacts of increased SSC are considered to be minor for harbour porpoise.
- 8.9 SNH also advised that as the Highland Council proposal requires dredging and the deposit of this sediment at a sea deposit site just outside Uig Bay, the activities have the potential to increase suspended and dispersed sediment levels and change water chemistry, particularly through the release of heavy metals from the sediment into the water column and to the seabed. SNH advised that the concentrations of heavy metals predicted to occur are lower than environmental quality standard values, indicating a low eco-toxicological risk. Considering the short-term nature of the increases in sediment and heavy metal loads, SNH advised the impacts to be of low significance.

- 8.10 MS-LOT concurs with the view of SNH that the proposed Works are likely to have a significant effect on the Inner Hebrides and the Minches SAC due to the increase in underwater noise and potential impacts on water quality. However, providing the Works are undertaken in accordance with the conditions in Section 4, these impacts will not have an adverse effect on the integrity of the site.

Ascrib, Isay and Dunvegan SAC

- 8.11 SNH advised that the Highland Council proposal is likely to have a significant effect on the harbour seal qualifying interest of the Ascrib, Isay and Dunvegan SAC because the site of the Works is within the foraging range of the seals that haul out within the SAC. Again, SNH advised that as long as the mitigation measures proposed in the EIA Report, and detailed above in relation to harbour porpoise, are adhered to, the works will not adversely affect the integrity of the site. SNH advised that the mitigation zone for seals can be reduced to 100m. This is because seals are naturally curious and will sometimes investigate works such as this. SNH consider there to be a low risk of hearing damage (permanent threshold shift) to the seals and that there is unlikely to be any disturbance to seals within the SAC. Any disturbance encountered outside the boundaries of the SAC will be unlikely to affect the conservation objectives.
- 8.12 MS-LOT concurs with the view of SNH that, provided the conditions set out in Section 4 are adhered to, the Highland Council proposal in isolation will not have an adverse effect on the site integrity of the Ascrib, Isay and Dunvegan SAC.

9 In combination assessment

- 9.1 MS-LOT has carried out an in combination assessment to ascertain whether the Highland Council proposal will have a cumulative effect with other plans or projects which, in combination, would have the potential to affect the qualifying interests of the Inner Hebrides and the Minches SAC and/or the Ascrib, Isay and Dunvegan SAC.
- 9.2 The following projects currently have an active marine licence, section 36 consent, European protected species licence or seal licence and associated AA which identified a likely significant effect on the qualifying interests of the Inner Hebrides and the Minches SAC and/or the Ascrib, Isay and Dunvegan SAC.

9.3 Lochmaddy Ferry Terminal Upgrade

- 9.3.1 Comhairle Nan Eilean Siar will upgrade the existing ferry terminal at Lochmaddy between January 2020 and December 2021. The project includes a pier upgrade, capital dredging and the associated deposit of substances or objects, and land reclamation, including construction of a rock armour revetment.
- 9.3.2 The pier will be extended utilising a prefabricated concrete caisson. The extension is approximately 35m long, providing an overall pier length of 145m, with fenders installed on new piles along the berth face of the existing pier. The caisson is 12.5m wide, providing a wider working area than afforded by the rest of the pier which is 9.8m wide. New concrete decking will join the caisson to the end of the existing pier. The caisson will be placed onto a pre-constructed base and will be infilled with imported rock fill. Scour protection will be placed around the caisson.
- 9.3.3 There are three dredge areas one to a depth of -5m CD will be completed to allow the larger ferry to berth and manoeuvre safely, the second is required for the caisson base and the third area, around the caisson base will be dredged to -8.5m CD. The total amount of substances or objects to be dredged is 16,000 wet tonnes and all will be deposited at the designated Stornoway deposit site.
- 9.3.4 Material from ground levelling will be used to create a rock revetment along the seaward edge of the proposed marshalling area extension and the remaining material from the levelling works will be used as infill for the land reclamation.

9.4 Caledonian Maritime Assets Limited (“CMAL”) - Ferry Terminal Development - Tarbert, Isle of Harris

- 9.4.1 The CMAL project is to upgrade the existing ferry terminal at Tarbert including the following components:
- Pier demolition, reconstruction and extension;
 - Dredging and deposit of dredge spoil; and
 - Extension of marshalling area through land reclamation, including construction of a rock armour revetment
- 9.4.2 The existing pier will be demolished and temporary fendering will be installed with shore braces for support. The reconstructed and extended pier will be approximately 100 metres long and will be supported on approximately 50 new

vertical and raked steel piles. The new pier will incorporate the existing inner and outer dolphins and sacrificial cathodic protection will be installed to help to protect the pier structure from corrosion.

- 9.4.3 A capital dredge of 50,000m³ will be undertaken across three dredge areas and all dredge spoil will be deposited at the Stornoway designated deposit site. An area of 13,000m² of land will be reclaimed by placing rock fill onto the firm gravel or rock of the seabed, exposed by the dredging activities. A rock armour revetment will be constructed to protect the reclaimed areas. Where access is limited, it is proposed to utilise grout filled mattresses instead of rock armour to ensure slope scour protection.

9.5 Seals – SMRU Research

- 9.5.1 Licence to take seals in Scotland for scientific, research or educational purposes. The proposed activities are to be carried out between 01 February 2020 until 31 January 2021. Seals are normally released after capture, unless a seal is seriously injured or disabled and has no reasonable chance of recovering. If a seal is injured while being taken, appropriate veterinary care is administered.

9.6 Seals – West Scotland

- 9.6.1 Fish farm companies and organisations responsible for the protection of river fisheries and netting stations (although currently no salmon can be caught outside of an estuary and therefore there will be no licences for netting stations in 2020) have licences to shoot seals as a last resort means of predator control under Part 6 of the Marine (Scotland) Act 2010. Licences have the condition limiting the shooting of seals at locations within 50km of harbour seal SACs.

9.7 Various Wellboats

- 9.7.1 MS-LOT has issued a number of marine licences to allow the deposit of chemicals from wellboats following the treatment of marine fin fish farm species. MS-LOT has adopted the Habitat Regulations Appraisal undertaken by the Scottish Environment Protection Agency (“SEPA”) for the discharge of these chemicals under the Controlled Activities Regulations (“CAR”). Marine licences are conditioned in line with CAR licences issued by SEPA.

9.8 Scottish Hydro Electric Power Distribution (“SHEPD”) – High Voltage Alternating Current Cable (“HVAC”) - Mainland to Jura

The SHEPD proposal is to use a Ultra-Short Baseline (“USBL”) device, for subsea positioning of a cable, in relation to the marine licence to construct a cable between the mainland and Isle of Jura. The source level and associated frequency for the USBL will be 200 dB re 1 µPa (rms), with a source frequency of 20 - 33.5 kilohertz. The total length of the cable is 8.11 kilometres and the routing of the cable will be selected to avoid significant rocky outcrops or areas, to prevent cable suspensions and abrasion following the installation.

9.9 Fish farms

9.9.1 There are a number of fish farms which were identified as having a likely significant effect on the Inner Hebrides and the Minches SAC. The table below summarises these projects.

Table 4: Fish farms identified as having a likely significant effect on the Inner Hebrides and the Minches SAC

Site Name	Licensee	Licensed Equipment	Dates of Licence
Uig Bay	Sgeir Mhor (Salmon) Ltd	8 cages 16 grid moorings 15 buoys 1 feed barge	12/10/2016 – 11/10/2022
Loch Snizort East	Grieg Seafood Shetland	10 cages 18 grid moorings 18 buoys 1 feed barge	26/07/2018-14/05/2022
Bagh Dail Nan Ceann	MOWI	12 cages 26 grid moorings 1 boat mooring 1 feed barge	22/01/2019-14/09/2021
Sconser Quarry	MOWI	12 cages 34 grid moorings 3 boat moorings 1 feed barge	08/02/2019 – 07/02/2025
Poll Na Gille	MOWI	12 cages 21 grid moorings 1 raft 1 feed barge 1 boat mooring	15/04/2019-01/08/2022
East Tarbert Bay	The Scottish Salmon Company	12 cages 22 grid moorings 1 feed barge	21/01/2020-19/12/2025

Appropriate Assessment for Uig Ferry Terminal Development, Uig Harbour, Isle of Skye. May 2020.

Stulaigh Island	MOWI	14 cages 26 grid moorings 3 boat moorings 1 feed barge	30/09/2019-29/08/2024
Gravir Outer	The Scottish Salmon Company	12 cages 40 grid moorings 2 boat moorings 1 raft 1 feed barge	25/09/2019-29/10/2020
Scalpay, Isle of Skye	Scalpay Multi-trophic Aquaculture Limited	12 ring cages 22 grid moorings 1 feed barge	17/01/2020 16/01/2026
Geasgill, Loch Na Keal	The Scottish Salmon Company	14 ring cages 24 grid moorings 5 boat moorings 1 feed barge 1 pontoon	23/03/2017- 22/03/2023

9.10 Assessment of in combination effects on the Inner Hebrides and the Minches SAC

9.10.1 The following projects were identified as having a likely significant effect on the Inner Hebrides and the Minches SAC:

- Tarbert Ferry Terminal Upgrade
- Lochmaddy Ferry Terminal Upgrade
- SHEPD HVAC Cable
- Various Wellboats
- Fish farms

9.10.2 Construction of the ferry terminal upgrades, and the cable surveys may overlap temporally with the Highland Council works however, providing all works are carried out in line with the conditions in their respective AAs, any in combination effects are not likely to be significant. Any in combination effects between fish farms and the Highland Council proposal are not likely to adversely affect the site integrity, providing the conditions in the respective planning permissions and CAR licences for the fish farms, along with the conditions in this AA are adhered to.

9.10.3 MS-LOT concludes that the Highland Council proposal in combination with the other projects listed above will not adversely affect the integrity of the Inner Hebrides and the Minches SAC.

9.11 Assessment of in combination effects on the Ascrib, Isay and Dunvegan SAC

9.11.1 The following projects were identified as having a likely significant effect on the Inner Hebrides and the Minches SAC:

- Tarbert Ferry Terminal Upgrade
- Lochmaddy Ferry Terminal Upgrade
- Seals- SMRU research
- Seals – West Scotland

9.11.2 Construction of the ferry terminal upgrades are likely to overlap temporally with the Highland Council works however, providing all works are carried out in line with the conditions in their respective AAs, any in combination effects are not likely to be significant. Activities related to the seal licences may also overlap temporally with the Highland Council works however, if the conditions in all

Appropriate Assessment for Uig Ferry Terminal Development, Uig Harbour, Isle of Skye. May 2020.

AAs are adhered to, any in combination effects are not likely to adversely affect the site integrity.

9.11.3 MS-LOT concludes that the Highland Council proposal in combination with the other projects listed above will not adversely affect the integrity of the Ascrib, Isay and Dunvegan SAC.

10 MS-LOT Conclusion

10.1 MS-LOT concludes that providing the conditions listed in Section 4 are adhered to, there will be no adverse effect on the site integrity of the Ascrib, Isay and Dunvegan SAC or the Inner Hebrides and the Minches SAC from the Highland Council proposal either in isolation or in combination with other projects.

SECTION 4: CONDITIONS

11 Requirement for conditions

11.1 The following conditions are required to ensure that the project will not adversely affect the site integrity of the Ascrib, Isay and Dunvegan SAC or the Inner Hebrides and the Minches SAC:

11.1.1 The Licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) guidelines for minimising the risk of injury to marine mammals from piling noise dated August 2010 (“JNCC guidelines”) are followed at all times in connection with piling unless further written approval is given by the licensing authority. The guidelines are available from the JNCC website <http://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf>

11.1.2 The licensee must ensure that the activities are carried out in accordance with a Marine Mammal Management Plan (“MMMP”) which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the activities commencing or at such a time as agreed with the licensing authority. It is not permissible for any activities to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the MMMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any activities

associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include consideration of:

- a) the employment of a Marine Mammal Observer (“MMO”)
- b) details of the locations and experience of the MMO
- c) details of the experience of the Passive Acoustic Monitoring (“PAM”) operators
- d) location of the PAM system and when it is to be used
- e) details of the MMO pre-piling watch
- f) details of the communication protocol between the MMO and PAM operators and piling contractors
- g) details of any underwater noise measurement protocols, including the type of system to be used, how the noise levels will be analysed and calibrated and how the levels will be reported to the licensing authority
- h) establishment of a 100m piling mitigation zone for harbour seals and 500m piling mitigation zone for cetaceans
- i) details of the piling soft start procedure.