

From: [Colm Fraser](#)
To: [MacLeod N \(Neil\) \(MARLAB\)](#)
Cc: [Helen MacDonald - DEV](#)
Subject: RE: 20/00566/MC/CON - Stornoway Harbour Authority - Construction and Capital Dredging - Deep Water Port, Glumaig Bay, Stornoway
Date: 28 May 2021 16:08:06
Attachments: [image002.jpg](#)
[image004.png](#)
[image005.jpg](#)

Afternoon Neil

I am replying directly regarding the noise and dust points as we had made the comments to planning.

Just to clarify our comments were only about construction noise

Comments below.

NOISE

Re Condition 1. Happy to change- would suggest something as per below

Normal working hours on the site will be 7am to 9pm Monday to Friday, 7am to 7pm Saturday, with no working on Sundays. It is recognised that marine operations are however dependent upon a number of factors and it is expected that there will be periods where working will extend beyond the normal working hours. Operations occurring beyond normal working hours will follow best practical means and mitigation measures set out in the Environmental Impact Assessment Report of December 2020 (EiAR 2020) It is recommended that any operations occurring beyond normal working hours that are identified as having a "moderate" or "major" noise impact at any of the identified noise receptors as per [Volume 3 L1 of EiAR 2020](#) be pre notified to the Environmental Health team of Comhairle Nan Eilean Siar. For the period of dredging works, dredging may be undertaken 24 hours a day, subject to the mitigations set out in the EiAR 2020 for dredging works in the north of the dredge area.

Re Condition 2 & 3

The condition was related to construction noise and we are aware that planning only covers a small part of the land based work so if the developer adopts the mitigation measures as outlined in [para 12.5.1 of Volume 2 of the EiAR 2020](#) then the condition can be removed. In the unlikely event that noise issues are still unresolvable then then my understanding is that the works would be covered under Section 60 of the Control of Pollution Act 1974 which gives the Comhairle powers to control noise on construction sites.

DUST

As a dust mitigation plan is to be implemented as per [17.3.1 No C.55 of V.2 of the EiAR 2020](#) then happy for this condition to be removed.

Any questions or clarification needed please get back to me.

Regards

Colm

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Colm Fraser

Colm Friseal (Colm Fraser) | Manaidsear Seirbheisean Luchd-Cleachdaidh agus Arainneachd (Consumer and Environmental Services Manager)

[Roinn nan Coimhearsnachdan](#) | [Comhairle nan Eilean Siar](#) | [Rathad Shannabhaig](#) | [Steornabhagh](#) | [Eilean Leodhais](#) | [HS1 2BW](#)

Communities Department | [Comhairle nan Eilean Siar](#) | Sandwick Road | Stornoway | Isle of Lewis | HS1 2BW

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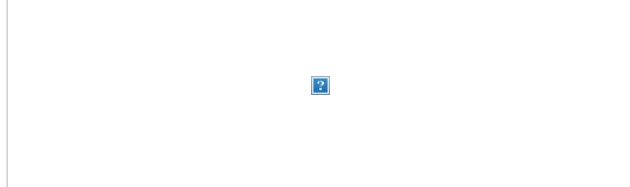
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COVID-19



From: Neil.MacLeod3@gov.scot <Neil.MacLeod3@gov.scot>

Sent: 25 May 2021 13:46

To: Christine Murray - Dev <cmurray@cne-siar.gov.uk>

Cc: Helen MacDonald - DEV <h.macdonald@cne-siar.gov.uk>; CNES Public Planning <planning&design@cne-siar.gov.uk>

Subject: RE: 20/00566/MC/CON - Stornoway Harbour Authority - Construction and Capital Dredging - Deep Water Port, Glumaig Bay, Stornoway

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Good Afternoon,

We provided the consultation response with your advice, attached above for the sake of clarity, to the applicant and they have come back with the following comments regarding the conditions for noise, dust and archaeology:

- **Noise – Condition 1:** *The proposed condition is not acceptable, ports operate 24hrs a day, seven days a week. To have operational hours restricted would make the port inoperable and in effect be a show stopper to the development. The distance from the development to noise sensitive receptors is such that operational noise effects are highly unlikely. The assessment of operational noise provided in Chapter 12 of Volume 2 of the EiAR and supported by Appendix L.1 included within Volume 3 of the EiAR show no significant operational noise effects. As such there is no reason for placing such a restriction on the project. If, the condition is intended to relate to construction then that should be made clear. However, our intent as stated in Section 2.7.1 of Chapter 2 of Volume 2 of the EiAR is to construct primarily between the hours of 7am and 7pm Monday to Saturday with work outwith these hours required on an infrequent basis to suit tides and vessel movement. 24hour dredging will be required. The detailed noise assessment provided in Chapter 12 of Volume 2 of the EiAR and supported by Appendix L.1 included within Volume 3 of the EiAR, demonstrate that this planned construction hours do not give rise to a significant effect. Restricting construction hours will increase both the construction timeline and associated costs. Hence, based on the noise assessment and lack of potential impact this condition does not seem to be warranted.*
- **Noise Conditions 2 & 3:** *Stornoway Port Authority would follow up on any complaints raised and address them appropriately hence there are no issues with the general content of the two proposed conditions. However, as they relate to operations and the marine licences are for construction, there inclusion within the Marine Licences may not be appropriate. It is noted that noise and nuisance is covered by other legislative instruments such as the Control of Pollution Act 1974 as amended, hence the conditions may not be necessary.*
- **Dust – Condition 1:** *Dust was considered within Section 16.3 of Chapter 16 of Volume 2 of the EiAR it was not identified as being significant even without mitigation due to the lack of receptors close to the development. However a dust mitigation plan is proposed (mitigation C.55 detailed in Chapter 17 of Volume 2 of the EiAR), for inclusion within the CEMD. As such there is no issue with this condition, however it may be more appropriate to include it within a condition of the Schedule of Mitigation or for a CEMD.*
- **Cultural Heritage and Archaeology – Proposed mitigation:** *CnES recommend archaeological mitigation and highlight the need for an agreed WSI, following discussions with HES, development and agreement of a WSI with HES and CnES is acceptable and a condition to this effect would be appropriate. The specific*

mitigation would be agreed via this route and allow for open discussion of the content.

Could I ask you to review the comments made by the applicant, and provide a response to the applicant in regards to their point about the first noise condition and confirm whether you are satisfied with the approach taken in regards to the other noise and dust conditions?

The original documents for the project can be found [here](#) should you require a refresher on anything. I would appreciate if this could be taken forward with some urgency as we are pushing on for time limits and we are coming to the end of the process.

Kind regards,

Neil Macleod

Marine Licensing Casework Officer

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email.

Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.Marinelicensing@gov.scot for all licensing queries.



From: Christine Murray - Dev <cmurray@cne-siar.gov.uk>

Sent: 09 February 2021 10:07

To: MS Marine Licensing <MS.Marinelicensing@gov.scot>

Subject: 20/00566/MLCON - Stornoway Harbour Authority - Construction and Capital Dredging - Deep Water Port, Glumaig Bay, Stornoway

Good morning

I refer to the above consultation, our response can be accessed [here](#).

Kind regards

Christine


Cairstiona C Mhoireach (Christine C Murray) | Oifigear Taic Dealbhaidh (Planning Support Officer) | Roinn Leasachaidh | Comhairle nan Eilean Siar | Rathad Shannabhaig |

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