

**Historic Environment Scotland**



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to:**  
[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[Urszula.Szupszynska@hes.scot](mailto:Urszula.Szupszynska@hes.scot)  
T: 0131 668 8653

Our case ID: 300021754  
Your ref: 07000/07001

12 June 2019

Dear Sir/Madam

Marine (Scotland) Act 2010, Part 4 Marine Licensing  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
(As Amended)  
07000/07001 - Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal  
Development - Lochmaddy, North Uist - Marine Licence

Thank you for your consultation of 24 May 2019 seeking our comments on the above development proposal and its associated EIA Report.

We note that the EIA Report does not contain a specific cultural heritage assessment as this topic area was scoped out at Scoping Report stage. However, we are content that the proposal will not have any significant adverse impacts on heritage assets within our remit, namely scheduled monuments and their setting, category A-listed buildings and their setting, inventory gardens and designed landscapes, inventory battlefields or marine protected areas. We therefore do not wish to object to the proposal and have no comments to make on the application.

Please do not hesitate to contact me on the contact details above, should you wish to discuss this response.

Yours faithfully

**Historic Environment Scotland**

**Comhairle nan Eilean Siar**

## Sweeting S (Stephanie)

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**From:** Alastair Banks <alastair.banks@cne-siar.gov.uk>  
**Sent:** 17 June 2019 11:06  
**To:** MS Marine Licensing  
**Subject:** 07000/07001-Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist

Dear Hannah,

NOTIFICATION REFERENCE NO: **19/00243**

PROPOSED OPERATIONS: **Ferry terminal upgrade including land reclamation, pier upgrade and extension.**

LOCATION: **Pier, Lochmaddy, Isle Of North Uist**

I am able to confirm that there are **no planning objections** to these proposed operations Lochmaddy Pier noting, crucially, you have consulted other key interested parties for their views.

You will be aware that we are determining a concurrent planning application for the landward works, subject to consideration and assessment of the Environmental Impact Report in that regard. We will keep you apprised of any issues that may arise in that regard that may have a bearing on your own determination.

Regards,

Alastair

Alastair Banks | Oifigear Dealbhaidh – Uibhist & Barraigh (Planning Officer – Uist & Barra) | Roinn nan Coimhearsnachdan (Communities Department) | Comhairle nan Eilean Siar | Baile a' Mhanaich (Balivanich) | Beinn na Faoghla (Benbecula) | HS7 5LA | 01870 604990

Faodar iarrtasan dealbhaidh agus tagraidhean a chur a-steach air-loidhne aig:

[www.eplanning.scot/ePlanningClient](http://www.eplanning.scot/ePlanningClient)

Planning applications and appeals can be submitted online at: [www.eplanning.scot/ePlanningClient](http://www.eplanning.scot/ePlanningClient)

 **Beachdaich air glèidhteachas mus cleachd thu pàipear airson seo.**

 **Help save paper - do you need to print this e-mail?**

**Maritime and Coastguard Agency**

## Sweeting S (Stephanie)

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**From:** navigation safety <navigationsafety@mcga.gov.uk>  
**Sent:** 24 June 2019 14:40  
**To:** MS Marine Licensing  
**Subject:** RE: 07000/07001-Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist- Consultation- Response Required 23 June 2019

Dear Hannah,

Thank you for your email. I have looked through the application and not that the applicant is the statutory harbour authority therefore the only advice we have is for the harbour authority to ensure that their Safety Management System under the Port Marine Safety Code is reviewed and kept up to date.

Best regards,

Nick



**Maritime &  
Coastguard  
Agency**

**Nick Salter**

Navigation Policy Advisor | Navigation Safety Branch  
Maritime & Coastguard Agency | c/o Falmouth Marine Office  
Pendennis Point | Castle Drive | Falmouth | Cornwall | TR11 4WZ  
Tel: 020 3817 2554 | Mob: 07766 922630  
Email: [nick.salter@mcga.gov.uk](mailto:nick.salter@mcga.gov.uk)

**Safer Lives, Safer Ships, Cleaner Seas**

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**Marine Scotland Science**

### **Hydrographic Dumping Application Recommendations**

Hydro Ref No.           HY009/19: Comhairlie nan Eilean Siar:  
Construction & Dredging MLA  
Material: 8000m<sup>3</sup>, 16000 wet t (60.8% silt, 24% sand, 15.2% gravel)  
Lochmaddy Ferry Terminal, Lochmaddy, North Uist

Application number:

Works Site:            Lochmaddy  
57 35.822N, 7 09.587W

Disposal site:         Stornoway HE035 (~90km to NE)  
58 10.933N, 6 22.783W

Chart:                 2635/1785

Pilot:                 West Coast of Scotland 54

Comments:

I have reviewed the documents with regard to the physical environment/coastal processes but have no comments/objections.

The information listed above is given in good faith using the limited data available to the Oceanography Group.

Date                 17/06/2019

Physical Oceanographer - Berit Rabe



**Northern Lighthouse Board**

# Northern Lighthouse Board

Your Ref: 07000/07001  
Our Ref: GB/ML/W2\_01\_192

Marine Scotland – Marine Planning & Policy  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
ABERDEEN  
AB11 9DB

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093  
Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



19 June 2019

## MARINE (SCOTLAND) ACT 2010 – PART 4 MARINE LICENSING AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) – COMHAIRLE NAN EILEAN SIAR (CNES) (PER AFFRIC) – FERRY TERMINAL UPGRADE, CAPITAL DREDGING AND SEA DISPOSAL OF DREDGED SPOIL, LOCHMADDY, NORTH UIST

Thank you for your e-mail correspondence dated 24 May 2019 regarding the application submitted by **Comhairle Nan Eilean Siar (CnES) (per Affric)** for the proposed ferry terminal upgrade (including land reclamation, pier upgrade and extension and dredging and sea disposal of dredged spoil) at Lochmaddy Ferry Terminal, Lochmaddy, North Uist.

Northern Lighthouse Board has no objections to the proposed construction, dredging and/or disposal operations, and would advise the following:

### Construction Works (07000)

- **Comhairle Nan Eilean Siar (CnES)** should consult with the Northern Lighthouse Board to discuss the navigational marking requirement prior to each phase of the construction works. This will include the permanent Aids to Navigation (AtoN) as well as any temporary AtoN required during the construction phases.
- The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation or alteration of any AtoN (Aid to Navigation). "Application for Statutory Sanction" forms are available on request from [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk), the applicant should complete the form and return it to the Northern Lighthouse Board for processing.
- **Comhairle Nan Eilean Siar (CnES)** should issue a Notice to Mariners clearly stating the nature and duration of the works.
- On completion of the ferry terminal development, a copy of the 'as built' plans should be submitted to the UK Hydrographic Office ([sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) in order that the associated chart can be revised accordingly.

## For the safety of all

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

2

Marine Scotland

19 June 2019

### **Dredging and Disposal (07001)**

- Marine safety information as considered appropriate should be issued prior to the commencement of each dredging campaign.
- **Comhairle Nan Eilean Siar (CnES)** should inform the UK Hydrographic Office ([sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) of the revised water depths.

Yours sincerely

[Redacted]

Peter Douglas  
Navigation Manager

#### **Privacy Statement**

NLB take seriously the protection of your privacy and confidentiality, and understand that you are entitled to know that your personal data will not be used for any purpose unintended by you. In line with our document retention schedules, copies of this correspondence will be retained on our live internal system in line with our legislative requirements and obligations, before being archived as required for conformance with our data Protection Policy and the associated Data Retention Schedules. Archived copies may be retained indefinitely in the public interest. Our Privacy Notice can be accessed via the following link: <https://www.nlb.org.uk/legal-notices/>.

**Royal Yachting Association Scotland**

## Sweeting S (Stephanie)

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**From:** Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>  
**Sent:** 03 June 2019 09:55  
**To:** MS Marine Licensing  
**Subject:** RE: 07000/07001-Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist- Consultation- Response Required 23 June 2019

Hi Hannah,

I write to inform you that we have no comments that we wish to make on this application.

Kind Regards

Pauline

**Pauline McGrow**  
**Senior Administrator**  
**Tel: 0131 317 4611**

**Royal Yachting Association Scotland**  
**T: 0131 317 7388**  
**E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)**



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ  
T: 0131 317 7388, Fax: 0844 556 9549

Protecting your personal information is important to us, view our full Privacy Statement [here](#)



**Scottish Water**



28<sup>th</sup> May 2019

Marine Scotland  
Scottish Government 375 Victoria Road  
Aberdeen  
AB11 9DB

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir Madam

**HS6 North Uist Lochmaddy Ferry Terminal Develop**  
**PLANNING APPLICATION NUMBER: 07000/07001**  
**OUR REFERENCE: 777656**  
**PROPOSAL: Lochmaddy Ferry Terminal Development- Loch Maddy, North Uist**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from LOCHMADDY Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

- This proposed development will be serviced by LOCHMADDY SEP 3Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission**

**has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Drinking Water Protected Areas**

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.



- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**  
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)
- **Trade Effluent Discharge from Non Dom Property:**  
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator

**Scottish Environment Protection Agency**

Our ref: PCS/165572  
Your ref: 07000/07001

If telephoning ask for:  
Aden McCorkell

18 June 2019

Hannah  
Marine Scotland  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9DB

By email only to: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Dear Hannah

**Marine (Scotland) Act 2010, Part 4 Marine Licensing  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
(As Amended)  
Extend vehicle marshalling area and car park; erect retaining walls; and construct  
hardstanding and relocate service buildings for pontoons  
Pier, Lochmaddy, Isle of North Uist**

Thank you for your consultation email which SEPA received on 24 May 2019. We previously supplied the following advice to Comhairle Nan Eilean Siar (19/00182/PPD) on 13 May 2019 (PCS/165192).

**Advice for the planning authority**

We have **no objection** to this proposal. Please note the advice provided below.

**1. Works below Mean High Water Springs**

- 1.1 For works below Mean High Water Springs, we generally do not provide site specific advice on works that will be regulated under The Marine (Scotland) Act 2010 or Harbours Acts. Instead, please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

**2. Flood risk**

- 2.1 We previously commented on the Skye Triangle Ferry Upgrades (PCS/154153) and specifically on the Lochmaddy Upgrade (PCS/155641) in 2017. Given the water compatible nature of the development we had no objection to the works at Lochmaddy but advised that to ensure flood resilience throughout the lifetime of the development, a suitable freeboard, and other factors including climate change should be taken into account.

- 2.2 We note that the 1 in 200 year still water level based on the analysis undertaken for the EIA is 3.4mAOD and that with an allowance for wind surge and wave action, the maximum 1 in 200 year run up level is 3.95mAOD. We accept the approach taken in the assessment and agree with the levels derived.
- 2.3 We note that the lowest point of the marshalling area would be overrun by waves by 100mm during a 1 in 200 year event however, it is graded upwards to connect to higher ground. As such, the inundation would be limited to the existing infrastructure with all new works above 3.95mAOD.
- 2.4 An allowance of 250mm has also been proposed for climate change. We would usually recommend a freeboard of 600mm in coastal areas unless an alternative level of freeboard for the area is provided by the Flood Management Authority. As such, Comhairle nan Eilean Siar should satisfy themselves that the level of freeboard is appropriate for the development site.

### **Regulatory advice for the applicant**

#### **3. Regulatory requirements**

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 3.3 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: James Square, James Street, Stornoway HS1 2QN Tel: 01851 706477.

If you have any queries relating to this letter, please contact me by telephone on 01349 860353 or e-mail at [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Aden McCorkell  
Part time Senior/Planning Officer  
Planning Service

ECopy to: [Fiona.henderson@affriclimited.co.uk](mailto:Fiona.henderson@affriclimited.co.uk)

**Scottish Natural Heritage**

## Sweeting S (Stephanie)

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**From:** Patrick Hughes <Patrick.Hughes@nature.scot>  
**Sent:** 19 July 2019 12:29  
**To:** MS Marine Licensing  
**Cc:** Sweeting S (Stephanie)  
**Subject:** RE: 07000/07001-Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist- Consultation- Response Required 23 June 2019

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING  
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

07000/07001-Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist

Thank you for consulting us on the marine licence application for the above location.

### 1. Summary

**This proposal will affect the otter feature of the Loch nam Madadh Special Area of conservation (SAC) and the porpoise feature of the Inner Hebrides and the Minches SAC. It will also result in impacts to the rocky shore feature of the Lochmaddy SSSI. We have also provided advice on the North East Lewis possible Marine Protected Area (pMPA) and the Sea of the Hebrides pMPA.**

### 2. Background

The proposal relates mainly to works above mean low water spring (MLWS), with an extension to the marshalling area and carpark, the relocation of the pontoon service buildings and the creation of a hardstanding. Reclamation in intertidal areas is proposed to accommodate this proposal. Other parts of the development, mainly below MLWS, are being considered through a marine licence application.

### 3. Appraisal of effects

#### Natura Sites

The proposed works lie within and adjacent to the Loch nam Madadh SAC designated for its saline lagoons, large shallow inlets and bays, intertidal mud and sandflats, subtidal sandbanks and otter population of international importance. The proposed works also lie approximately 4.8km from the Inner Hebrides and the Minches SAC designated for its porpoise population of international importance.

The site's status' means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Marine Scotland is required to consider the effect of the proposal on these natura sites before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect the otter feature within the Loch nam Madadh SAC and the porpoise feature within the Inner Hebrides and the Minches SAC. Consequently, Marine Scotland is required to carry out an appropriate assessment in view of the site's conservation objectives for these qualifying features.

To help you do this we advise that, in our view, based on the information provided, the proposal will not adversely affect the integrity of these site's for the respective designated features.

Please see the appraisal's below for each of the features.

### Loch nam Madadh SAC - Otter

The appraisal we carried out is based on information provided within the otter survey completed for this proposal in 2017 and the mitigation measures as set out within the EIA report.

Otters will be affected by the proposal in two ways:

#### **1. Direct habitat loss**

The otter survey carried out indicated clearly that otter use the area with spraints and a lay-up in close proximity to the proposal. Otter were also observed foraging close to the shoreline. The reclamation area will result in the loss of approximately 2500m<sup>2</sup> of intertidal zone which is likely to have been used to some degree by the local otter population. Whilst this area may have been used by otter it is of low quality due to current levels of human activity and the muddy nature of the habitat which is unlikely to support many prey species. The otter territory that overlaps with this proposal will have richer, more extensive forage areas. It is also likely that the rock armouring will create new habitat for both resting and foraging.

#### **2. Disturbance**

The works specifically associated with this marine licence have the potential to disturb otter and to temporarily exclude an individual or family group from foraging in the area during active construction until the proposal is completed. Noise will be generated from marine and terrestrial plant, piling, dredging, earthworks associated with the reclamation area and workforce associated with the proposal.

Construction is likely to be for a 9-10 month duration. Whilst this is the case otter using the site will already be habituated to current ferry activity, fishermen and sailors using the pontoons. There is a risk that otter will stop using this area during construction however it is highly likely that given the level of current habituation, otter will continue to forage in the area. This will most likely be the case outwith the scheduled active working hours (7am-8pm Mon – Sat). The otter(s) using the development area will hold a much more extensive territory and will have sufficient alternative forage areas and lay-ups to utilise during the construction period. Construction will only be for a 9-10 month period after which activity levels will only be slightly higher than pre-construction levels.

The construction site materials/activities could also potentially pose a risk of injury or entrapment. The proposed mitigation measure will ensure that this risk is further reduced.

The proposal will have a likely significant effect on the otter feature of the Loch nam Madadh SAC, however given the extent of alternative habitat available, the current level of habituation and the mitigation measures as set out within the EIA report the proposal will not adversely effect the integrity of the site.

### Inner Hebrides and the Minches SAC – Harbour porpoise

The main sources of under water noise and vibration will be generated by 4 activities:

- Vibro piling
- Impact piling;
- Dredging
- Rock breaking

Vibro and Impact piling - These techniques will be required to construct the new fendering system. Approximately 2 hours of vibro piling non-continuous over a 2 month period. Impact piling will require 3hrs non-continuous over 2 month period. These piling activities could create noise levels that have the potential to damage the hearing of porpoise within close range.

Dredging and Rock breaking – These techniques will be used to increase the depth around the pier to allow the larger ferry vessel to manoeuvre. Noise generated from these activities also has the potential to damage the hearing



of harbour porpoise. Noise modelling has demonstrated that for the noise of rock breaking to result in temporary damage the animal would have to be within 600m of the works for 8hrs. In addition rock breaking works will be very limited as only a small extent of rock breaking will be required.

However, water depths within Lochmaddy are very shallow averaging 10m so the likelihood of porpoise being within the ranges and for the time required to cause such damage is very small. Considering this the likelihood of injury is very small.

Noise levels generated from these activities also have the potential to disturb porpoise outwith Lochmaddy, however, the sheltered nature of the bay and the islands surrounding will reduce the likelihood of noise propagation outwith Lochmaddy into the SAC.

Whilst the risk of porpoise coming within a range that would result in damage to hearing is low there is still a risk. The proposed mitigation measure which specifies that piling will only commence if porpoises (and other marine mammals) are not observed within a 400m radius for 20mins will reduce this risk further.

Considering the localised nature of the works, the limited time period and the enclosed nature/filtering effect of the bay and islands surrounding the works it is unlikely that noise levels generated into the SAC would disturb porpoise to the extent that it would reduce the condition of habitat in the SAC or change the distribution of porpoise in the SAC or how they use it. The proposed activities will not adversely affect the integrity of the SAC.

#### Possible Marine Protected Areas (pMPA)

The dredge disposal site lies within the North-east Lewis (pMPA) and the ferry terminal works lie c3.7km from the Sea of the Hebrides pMPA. These pMPA's are now at the consultation stage and as such is given policy protection. The Scottish Government has a policy of protecting such sites as if they were designated as set out in the *Marine Protected Areas Management Handbook*. The legal protection afforded to designated NC MPAs is set out in the Marine (Scotland) Act 2010. Consequently, Marine Scotland is required to consider the effect of the proposal on these possible MPA's before it can be consented.

In our view, the proposal is capable of affecting the Risso's dolphin feature of the North-east Lewis pMPA and the Minke whale feature of the Sea of the Hebrides pMPA, however, these effects are insignificant. Further assessment is therefore not required.

#### North-east Lewis pMPA – Risso's dolphin

Sightings data collected by the Joint Cetacean Protocol (JCP) shows that Risso's dolphin do frequent the dredge disposal area. Sediment disposal of this nature has the potential to temporarily displace dolphins from the area or prevent them from moving through it. The disposal site is in shallow waters with an average depth of 20m. Risso's dolphin use deeper water and are unlikely to be in the vicinity of the dumping ground. In addition the following proposed mitigation measure will ensure that there are no dolphins in the vicinity while the sediment is being disposed of – a 200m radius mitigation zone will be established around the vessel prior to disposal. Sediment will only be disposed of if cetaceans including Risso's dolphin have not been observed within the zone for 20mins. If a marine mammal is observed then disposal will not commence until the zone has been clear of marine mammals for 5 minutes.

#### Sea of the Hebrides pMPA – Minke whale

Sightings data collected by the Joint Cetacean Protocol (JCP) shows that Minke Whale are distributed throughout the site with the highest densities to the west of the site including areas just beyond the mouth of Lochmaddy. The reduced noise and vibration propagation outwith Lochmaddy due to the enclosed nature of the bay and the islands within in addition to the limited period of noise producing activities will ensure that there is very limited potential for disturbance of Minke whale. The proposal will not hinder the conservation objectives for this species within the site.

#### Loch nam Madadh SSSI

The proposal will result in the loss of a small area of rocky shore habitat which is a designated feature of the SSSI. The habitat within the area in question is of low quality and when compared with the expansive areas of this habitat within the SSSI the loss will not affect the feature overall or the reasons for which it was designated.

South Lewis, Harris and North Uist NSA

The proposal will not have an adverse effect on the integrity of the NSA or the qualities for which it has been designated.

Yours sincerely,

Patrick

**Patrick Hughes | Operations Officer**

Scottish Natural Heritage | Stilligarry | South Uist | HS8 5RS | t: 01313144183

Dualchas Nàdair na h-Alba | Stadhlaigearraidh | Uibhist a Deas | HS8 5RS

[nature.scot](http://nature.scot) – *Connecting People and Nature in Scotland* – [@nature\\_scot](https://twitter.com/nature_scot)

**Transport Scotland**

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

Your ref:  
07000/07001

Our ref:  
TS00538

Date:  
17/06/2019

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Dear Sirs,

## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

#### **FERRY TERMINAL DEVELOPMENT - LOCHMADDY, NORTH UIST**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by Affric Limited in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, we would provide the following comments.

#### **Proposed Development**

We understand that a new, larger ferry with increased passenger and vehicle capacity is being constructed for use on the Skye Triangle (Lochmaddy – Uig and Uig - Tarbert routes). Comhairle nan Eilean Siar (CnES) are, therefore, proposing upgrades to the Lochmaddy ferry terminal to allow the safe berthing of the larger vessel and to provide shore-side facilities for additional passengers and vehicles. Lochmaddy is located on the east coast of North Uist while the nearest trunk road to the site is the A87(T) on the Isle of Skye.

We note that a review of both the EIAR and an accompanying Construction Environmental Management Document reveals that there is no indication of there being any construction vehicles travelling from either mainland Scotland or Skye. Consequently, I can confirm that Transport Scotland has no objection to the proposed development on the grounds of environmental impact to the trunk road network.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

[Redacted]

**Gerard McPhillips**

**Transport Scotland  
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

**Visit Scotland**

25 June 2019

Marine Scotland - Marine Planning & Policy  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

### **Proposed Ferry Terminal Development - Lochmaddy, North Uist**

Thank you for giving VisitScotland the opportunity to comment on the above development.

Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

#### Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

Tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

#### Taking tourism considerations into account

1. VisitScotland recognises the significant opportunities that exist to grow marine tourism throughout Scotland and this proposal will undoubtedly assist this development – reference the Marine Tourism Strategy – Awakening the Giant  
[http://scottishtourismalliance.co.uk/uploads/TS2020%20Marine/Awakening\\_the\\_Giant\\_final.pdf](http://scottishtourismalliance.co.uk/uploads/TS2020%20Marine/Awakening_the_Giant_final.pdf)
2. The Scottish Government's Themed Year for 2020 is, as you will be aware, the Year of Coasts and Waters and this development will undoubtedly have a strong role to play within this overarching initiative

I trust that this clarifies our position and would ask if you require any further input from us to contact me directly.

Yours sincerely,

[Redacted]

Douglas Keith  
Government & Parliamentary Affairs  
VisitScotland