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Development, Lochmaddy, North Uist**

**Marine Scotland - Licensing Operations Team**  
**Scoping Opinion**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017 (as amended)**

**SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATION(S)  
FOR MARINE CONSTRUCTION AND DREDGING.**

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## 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 ferry terminal development at Lochmaddy, North Uist. The Scoping Opinion has been requested by Affric Limited on behalf of the applicant, Comhairle nan Eilean Siar (CnES) and are henceforth referred to as 'the applicants'.

This Scoping Opinion is on the basis of the information provided in the applicants request, dated 21 September 2017 for the Scottish Ministers to adopt a Scoping Opinion. This Scoping Opinion can only reflect the proposal as currently described by the applicants. The matters addressed by the applicants 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.

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 applicants 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 applicant's request for a Scoping Opinion encompass those matters identified in regulation 14 of The Marine Works 2017 (as amended).

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

The main potential issues identified, and scoped in, are:

- Biodiversity and Nature Conservation – marine ecology (construction phase only)
- Noise and Vibration (construction phase only)
- Traffic and Access (construction and operational phase)
- Water Quality and Coastal Processes (construction and operational phases)
- Major Accidents and Disasters (construction and operational phase)

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, including where the decision has been taken to scope topics in. Detailed information is provided in the specialist topic section.

<b>Topic</b>	<b>Phase</b>	<b>Reason for Scoping In/Out</b>
<b>Air Quality and Climate Change</b>	Construction AND Operation	Scoped OUT. With detailed site plans (maps) and site specific schedule of mitigation (either separate or contained within a CEMP), consultees agree no likely significant environmental impacts.
<b>Archaeology and Cultural Heritage</b>	Construction AND Operation	Scoped OUT. Lack of vulnerable features and consultees agree no likely significant environmental impacts.
<b>Biodiversity and Nature Conservation – Marine Ecology</b>	Operation	Scoped OUT. Lack of sensitive receptors and negligible magnitude of effect. Consultees agree no likely significant environmental impacts.
<b>Biodiversity and Nature Conservation - Ornithology</b>	Construction AND Operation	Scoped OUT. Lack of sensitive receptors and negligible magnitude of effect. Consultees agree no likely significant environmental impacts.
<b>Landscape, Seascape and visual</b>	Construction AND Operation	Scoped OUT. The development will remain in keepings with the existing landscape. Consultees agree no likely significant environmental impacts.
<b>Land and Soil Quality</b>	Construction AND Operation	Scoped OUT. Marine elements covered by Water Quality and Coastal Processes section.
<b>Population, Human Health and Socio-economics</b>	Construction AND Operation	Scoped OUT. Information regarding air quality (dust) and noise are outlined in Air Quality and Climate Change and Noise and Vibration sections, respectively.
<b>Noise and Vibration</b>	Operation	Scoped OUT. It is unlikely that noise generation will increase significantly from the current baseline. Consultees agree no likely significant environmental impacts.
<b>Natural Resource usage</b>	Construction AND Operation	Scoped OUT. With detailed site plans (maps) and site specific schedule of

**and waste**

mitigation (either separate or contained within a CEMP), consultees agree no likely significant environmental impacts.

MS-LOT consider the terrestrial aspects scoped in to the EIA to be out with the regulatory remit of Marine Scotland and therefore has no comment to make on these.

In summary, the EIA report should demonstrate that key impacts to marine ecology in relation to the proposal have been addressed during construction phases only (scoped in). Impacts from noise and vibration and major accidents and disasters, and impacts to water quality and coastal processes and traffic and access have potential during both construction and operational phases, and therefore are scoped in.

## **2. Introduction**

### **2.1 Background to Scoping Opinion**

**2.1.1** We refer to your email of **21 September 2017** requesting a Scoping Opinion from the Scottish Ministers, under Regulation 14 of The Marine Works 2017 (as amended). Your request included a Scoping Report (found at <http://www.gov.scot/Resource/0052/00527761.pdf>) 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 **04 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 (2014/52/EU) to the Environmental Impact Assessment ("EIA") Directive. The Marine Works 2017 regulations were subsequently amended by 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) and the Scottish Ministers concluded in their Screening Opinion (found at <http://www.gov.scot/Resource/0052/00527760.pdf>) dated **15 November 2017** that the works are an EIA project.

### **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 Lochmaddy Ferry Terminal on the East Coast of North Uist, will allow access by the new larger ferry proposed by Caledonian Maritime Assets Limited (CMAL). The project comprises the following main components:

- Pier extension, reconstruction and Fendering
- Dredging
- Upgrading to the existing substation and
- Vehicle marshalling area increased from reclamation areas.

### **4. Aim of 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 04 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)**
- **Comhairle nan Eilean Siar (CnES)**
- **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 eight 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 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.

- Air Quality and Climate Change
- Archaeology and Cultural Heritage
- Biodiversity and Nature Conservation
- Landscape, Seascape and Visuals
- Land and Soil Quality
- Population, Human Health, and Socio-economy
- Noise and Vibration
- Natural Resource Usage and Waste
- Traffic and Access
- Water Quality and Coastal Processes
- Impacts from 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 Air Quality and Climate Change**

7.2.1 There are no Air Quality Management Areas within the Western Isles, and the area does not have any areas where pollutant levels have been exceeded or are close to exceeding these levels. The background air emissions levels are not expected to be high at Lochmaddy as there is limited urbanisation and development on North Uist.

7.2.2 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 total area of land involved in these works is between 2,850 m<sup>2</sup> to 5,500 m<sup>2</sup>. Under the Air Quality Monitoring in the Vicinity of Demolition and Construction sites (2012) the Lochmaddy development is classified on the lower end of medium magnitude for earthworks. To mitigate the potential impacts of dust the applicant proposes that sprinklers and water trucks will be utilised on open areas and stockpiles.

7.2.3 During site preparation and construction works there will be associated Green House Gas (GHG) emissions from plant and equipment which utilise fossil fuels. Emission from the harbour during operation are not expected to contribute to a significant negative change in GHG emission from current conditions. The new dual fuel ferry is larger, with a greater passenger and vehicle capacity. If operating by Marine Gas Oil (MGO) then there would be an increase GHG emissions, however this is not expected to be significantly more than the current situation. If operating via Liquefied Natural Gas (LNG), then this would reduce the GHG emissions. To mitigate the potential impacts machinery will be well maintained and engines switched off when not in use.

7.2.4 No specific section on Air Quality and Climate Change is required as part of the EIA report and is scoped out of the EIA process. The mitigation outlined above will be included in the schedule of Mitigation (SoM) and detailed site plans and/or the Construction Environment Management Plan (CEMP) to ensure successful implementation.

## **7.3 Archaeology and Cultural Heritage**

7.3.1 There are no known archaeological features on the site, however there are 5 listed buildings within a 2km radius of the development. No scheduled monuments, conservation areas, world heritage sites or inventory battlefields are within 2km of the project area. The Lochmaddy Ferry Terminal itself is a Canmore Site and the area has 14 recorded Canmore Maritime sites. There are 10 Canmore sites within a 500m radius of the site. Due to the nature of the project and the distance between the project site and any areas of archaeological or cultural interest, no significant

impacts are expected. Marine heritage sites could be impacted by both construction and dredging works, however these are to be undertaken within an existing Harbour Order, in an area which has previously been developed and it is unlikely any new sites will be discovered or disturbed.

7.3.2 The applicant proposed that Archaeology and Cultural Heritage is scoped out of the EIA process due to a lack of significant sites within the vicinity of the project area.

## **7.4 Biodiversity and Nature Conservation**

7.4.1 The impacts of the construction phases of the development proposal on marine biodiversity are scoped into the EIA process.

7.4.2 The Lochmaddy Ferry Terminal Development is located in and is likely to have a significant effect on the Loch nam Madadh SSSI and SAC, and the Inner Hebrides and the Minches pSAC. The Loch nam Madadh SSSI and SAC is designated for coastal geomorphology; Fox tail stonewort (*Lamoritgannium papulosum*) (a non-vascular plant); mudflats; rocky shore; saline lagoon and tidal rapids; Otter (*Iutra Iutra*); intertidal mudflats and sandflats; lagoons; reefs; shallow inlets and bays and subtidal sandbanks. The Inner Hebrides and the Minches pSAC is designated for Harbour porpoise (*Phocoena phocoena*).

7.4.3 A comprehensive mapping survey was completed in 1995 to survey the littoral and sublittoral habitats and communities in the Lochmaddy Area. However, the Lochmaddy development is located within the vicinity of the existing harbour, and no specific information exists on the benthic ecology or its status within the development footprint. The EIA report should include some habitat mapping as part of the assessment, these surveys should involve benthic video transects and grab sampling.

7.4.4 The dredging works, installation of the pier extension and the land reclamation for the extension of the marshalling area will result in the loss of habitat for marine habitat for benthic organisms, fish and potentially marine mammals within the harbour boundary. The pile driving and rock levelling have the potential to cause injury or disturbance to fish and cetaceans through the underwater noise emissions. Additionally increased boat movements to transport construction materials could cause further disturbance, and could increase the risk of non-native species being introduced to the area.

7.4.5 With underwater noise being a main issue, impacts on marine ecology will be conducted following the completion of an underwater noise model. This will involve assessment of potential impacts to Harbour porpoise, other cetaceans and fish. These surveys will allow appropriate mitigation to be developed and implemented.

7.4.6 Operationally, as the project is an upgrade and extension of an existing harbour, boat movements are expected to remain the same and therefore there is no additional risks to marine ecology from the operation of the site. No assessment of effects upon marine ecology during operation are required as part of the EIA process.

7.4.7 It is unlikely that birds will be significantly impacted by the site preparation or construction as no habitat sites are expected within the proposed work areas. Birds identified during the baseline survey were not using the ferry terminal vicinity as a nesting habitat. No assessment of effects upon ornithology during construction and operation are required as part of the EIA process due to the lack of sensitive features within the area and the minimal potential for construction and operational impacts of the development.

## **7.5 Landscape Seascape and Visuals**

7.5.1 The Lochmaddy Ferry terminal is located within the South Lewis, Harris and North Uist National Scenic Area (NSA). However the applicants note that due to the topography, the existing ferry terminal is not visible from the majority of properties in Lochmaddy. The marshalling area will infill the existing bay to the west of the harbour, however the applicants note that the visual impacts associated with construction will be temporary and affect few receptors.

7.5.2 Operationally, the new ferry is larger than the existing ferry however with intermittent use of the port and relatively small change from existing conditions this is not considered significant. The developer will ensure the development is in keeping with the current use of the area and landscape character.

7.5.3 Although the site is located in an NSA, the development will remain in keeping with the existing landscape and no assessment of landscape, seascape and visuals are required as part of the EIA process.

## **7.6 Land and Soil Quality**

7.6.1 Baseline surveys indicated that the underlying bedrock in the area of the development is the Lewisian Complex. The Loch nam Madadh SAC encompasses the development site and is designated for its coastal geomorphology, mudflats, rocky shores and shallow sandflats. The dredging and pilling works have the potential to affect land and soil quality within the marine environment through changes to the till structure and sediment deposition. The dredge material will be used as infill for the marshalling area extension therefore reducing the requirement for sea disposal. In order to minimise the potential effects, the applicant proposed the following mitigations;

#### Soil contamination

- Correct disposal of hazardous waste and contaminated water
- Storage of chemicals and hydrocarbons in secondary containment, where applicable
- Adequate spill response equipment on site
- Installation of adequate surface water management facilities
- Regular maintenance will be undertaken on equipment
- Designated area for concrete contaminated equipment and tools

#### Removal of underlying geology

- Removal of rock area will be minimised through design informed by ground investigation
- Localised techniques to be utilised

With the mitigations employed above, the assessment of impacts to Land and Soil is not required as part of the EIA process due to lack of significant potential impacts associated with the proposed development.

### **7.7 Population, Human Health and Socio Economy**

7.7.1 The main economic sectors within the Western Isles are public services, construction, fishing, fish farming and fish processing. A contractor has not yet been appointed and therefore details on the impacts to employment are unknown. The applicant proposes a local workforce to be used where possible. The workforce will require to use the amenities in the area, which will provide positive socio-economic benefits.

7.7.2 The project is an upgrade of an existing ferry terminal, and therefore the applicant concludes no additional population, human health, or socioeconomic changes from the current baseline. Therefore an assessment of impacts to population, human health and socio economics are not required as part of the EIA process.

### **7.8 Noise and Vibration**

7.8.1 During the construction phases, underwater noise is likely to be generated during the piling and blasting works, and the increase in vessel traffic delivering materials. This could have the potential to disturb or injure marine mammals in the area. Noise and vibration associated with construction phases should be investigated further and are therefore scoped into the EIA process. An underwater noise model should be developed in order to predict the noise emission levels and frequencies at different ranges from the site. This model will inform the marine



ecological risk assessment and if required, noise mitigation should be implemented.

7.8.2 Operationally, it is unlikely that noise generation will increase significantly from the current baseline. Therefore an assessment of impacts from noise and vibration during the operational phase are not required as part of the EIA process.

## **7.9 Natural Resource Usage and Waste**

7.9.1 During the construction phases, materials will be required for increasing the marshalling area, extending the pier and installing fendering. The infill material used to increase the marshalling area will likely come from dredge arisings with additional rock armour being used to protect the structure. Waste will be generated during the demolition phases of the works and if not being reused, will be removed by a licensed waste contractor. Operationally, there may be an increase in water used and waste produced by the increased passengers, however this is not anticipated to be significant.

7.9.2 In order to minimise the potential effects, the following mitigations should be employed;

### **Material and water usage**

- Reuse of dredge material, where practicable
- Waste hierarchy employed
- Existing built infrastructure will be reused or upgraded wherever possible

### **Waste**

- Limited number of construction employees on site
- Segregated bins provided
- Waste appropriately segregated
- Hazardous waste and contaminated water will be disposed of correctly.

7.9.3 With the mitigations employed above, the assessment of impacts to Natural Resource Usage and Waste is not required as part of the EIA process due to the lack of significant potential impacts associated with the proposed development.

## **7.10 Traffic and Access**

7.10.1 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,

7.10.2 Construction and operational marine traffic and access are scoped into the EIA. The EIA report should further demonstrate that the issue of access to the

marina should not change and access and maintenance to the pontoons should be identified.

## **7.11 Water Quality and Coastal Processes**

7.11.1 Water Quality and Coastal Processes are scoped into the EIA process during the construction and operational phases.

7.11.2 Dredging operations and the use of arisings for infill, could result in historic contaminants being released into the marine environment and reduced water quality. Operationally, no significant changes are anticipated to the current water quality.

7.11.3 The proposed land reclamation has the potential to alter wave direction and local geomorphological characteristics, and the EIA report should demonstrate that these have been addressed and mitigation measures identified if necessary.

7.11.4 The EIA report should further demonstrate that the issue of flood / tidal surges have been addressed through a Flood Risk Assessment with an appropriate level of technical detail, and mitigation measures identified if necessary.

## **7.12 Major Accidents and Disasters**

7.12.1 The following impacts from major accidents and natural disasters require further consideration and should be scoped into the EIA process:

- Severe storms
- Flood / tidal surges (to be assessed in the Water Quality section)
- Transport accidents

## **7.13 Conclusion**

7.13.1 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 sufficiently address the assessment of Impacts from Major Accident and Disasters. Chapter 14 of the Scoping Report, identifies that Severe Storms, Flood and Tidal Surges and Transport Accidents require further consideration. As such these should be scoped into the EIA, as per section 7.12 above.

## **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 authorization 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 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, will review the completed template in conjunction with the EIA report to ensure this is the case before the application is officially accepted. This check 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 this Scoping Opinion in assessment of the application. 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 Lochmaddy Ferry Terminal 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**

**15 November 2017**

Authorised by the Scottish Ministers to sign in that behalf

## **Appendix I: Consultee Responses**

So that a list of consultee responses can be included in the table of contents for each title e.g. SNH use the 'Consultee responses'. Example given below:

### **SNH**



#### **BY EMAIL**

FAO: Jessica Hay  
Marine Licensing Officer  
Marine Scotland - Marine Planning & Policy  
[ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

03 November 2017  
Our ref: CEA147811

Dear Jessica,

#### **MARINE (SCOTLAND) ACT 2010 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED)**

#### **SCOPING OPINION REQUEST - CALEDONIAN MARITIME ASSETS LIMITED (PER AFFRIC) - LOCHMADDY FERRY TERMINAL DEVELOPMENT**

Thank you for consultation dated 04 October 2017, requesting a scoping opinion for work proposed below MHWS.

#### **1. Summary**

We are broadly in agreement with the recommendations of the scoping report in relation to proposed works below MLWS. In relation to our interests the main areas of impact are to benthic habitats within Loch nam Madadh Special Area of Conservation (SAC) and underwater noise impacts on porpoise the designated feature of the Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC). We have provided further guidance in relation to assessment of impacts relating to underwater noise.

#### **2. Background**

The proposal involves the re-development of the Lochmaddy Ferry Terminal in order to accommodate a new larger ferry. We have previously provided screening advice in relation to designated sites and protected species likely to be affected by the proposal. All the major components of the works will involve activities below MHWS but in terms of our interests the main areas of focus will be dredging, pier extension and reconstruction.

#### **3. Scoping advice**

##### **3.1 Protected sites:**

Scottish Natural Heritage, Stilligarry, Isle of South Uist HS8 5RS  
Tel: 01870 620238 Fax: 01870 620350 [www.snh.gov.uk](http://www.snh.gov.uk)  
Email: [Patrick.hughes@snh.gov.uk](mailto:Patrick.hughes@snh.gov.uk)

Dualchas Nàdair na h-Alba, 135 Stadhlaigearraidh, Uibhist a Deas, Na h-Eileanan an Iar, HS8 5RS  
Fòn: 01870 620238 Facs: 01870 620350 [www.snh.gov.uk](http://www.snh.gov.uk)

### 3.1.1 Loch nam Madadh Special Area of Conservation (SAC)

We support the proposed inclusion of benthic video transects and grab sampling as per SNH Guidance on Survey and Monitoring, Benthic Habitats [Saunders, Bedford, Trendall, & Sotheran, 2011] within the environmental statement.

We also agree with the decision to scope out potential impacts from day to day ferry operations.

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

Underwater noise impacts are the key concern for porpoise - the designated feature of the site but also for other marine mammals (European protected species). Although this development is outside the boundary of the cSAC, there is the potential for the noise from drilling and explosives to affect the site and therefore this needs further consideration.

The applicant has identified the need to model underwater noise propagation, but does not go into any detail. We advise that different methods may be required for the modelling of explosives. In terms of noise modelling in general we would 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

For consideration of explosives we advise the applicant considers:

- Richardson, J., Greene, C.R., Malme, C.I. and Thomson, D.H. (1995) *Marine Mammals and Noise*. San Diego California: Academic Press
- Urick, Robert J. (1983), *Principles of Underwater Sound*, 3rd Edition. New York. McGraw-Hill
- Parvin, S.J., Nedwell, J.R., and Harland, E. (2007) Lethal and physical injury of marine mammals, and requirements for Passive Acoustic Monitoring. Subacoustic Report No. 565R0212.
- Aberdeen Harbour Expansion Project - <http://www.gov.scot/Topics/marine/Licensing/marine/scoping/currentccnp/ahep>

For assessment of impact to marine mammals we advise that they use 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.
- 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

In terms of a disturbance threshold – we advise that there is currently no agreed 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

We agree that for marine mammals noise from operation can be scoped out.

**4. Conclusion**

We are content that, in relation to all other species and habitats standard mitigation measures as set out are adequate and will ensure that effects are not likely to be significant.

Please let me know if you need any further information or advice from us in relation to this proposal.

Yours sincerely

**Patrick Hughes**  
Operations Officer  
Argyll & Outer Hebrides



## Comhairle nan Eilean Siar



Comhairle Nan Eilean Siar  
c/o Affric  
Per Cassie Butler  
Lochview Office  
Loch Duntelchaig  
Farr  
IV2 6AW

## COMHAIRLE NAN EILEAN SIAR

Bailìanich, Isle of Benbecula, HS7 5LA  
Bail' a'Mhanaich, Beinn na Faoghla, HS7 5LA  
Telephone 01870 602425  
Fax 01870 602332  
E-mail [alastair.banks@cne-siar.gov.uk](mailto:alastair.banks@cne-siar.gov.uk)  
Writer Alastair Banks  
Our Ref ABAN/RMCL  
Your Ref  
Date 26 October 2017

Dear Sir/Madam

### ENVIRONMENTAL IMPACT ASSESSMENT - SCOPING OPINION

APPLICATION REFERENCE:	17/00471
TYPE OF APPLICATION:	Scoping Opinion
LOCATION OF DEVELOPMENT:	Pier Lochmaddy Isle Of North Uist
PROPOSED DEVELOPMENT:	Ferry terminal upgrade
VALID APPLICATION RECEIVED:	25 September 2017

I refer to your request for a Scoping Opinion, as detailed above.

Please find Comhairle nan Eilean Siar's Scoping Opinion enclosed. The Scoping Opinion can also be accessed on the [Comhairle's Public Access Planning Portal](#) using the Reference No above.

Yours faithfully

Morag Ferguson  
Planning Manager (Development Management)  
Development Department



**SCOPING OPINION**  
**ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017**

APPLICATION REFERENCE NO: 17/00471  
TYPE OF APPLICATION: Scoping Opinion  
COMPLETE APPLICATION RECEIVED: 25 September 2017  
DEVELOPMENT DESCRIPTION: Ferry terminal upgrade  
LOCATION OF DEVELOPMENT: Pier Lochmaddy Isle Of North Uist  
APPLICANT: Comhairle Nan Eilean Siar

Having studied the content of the proposed Environmental Impact Assessment Report (EIAR) and having consulted relevant consultation bodies, **Comhairle Nan Eilean Siar, as Planning Authority, hereby adopts the opinion that the scope of the proposed Environmental Statement is adequate** to accompany the Planning Application to Ferry terminal upgrade at Pier, Lochmaddy, Isle of North Uist.

However, while accepting that these issues are unlikely to represent a significant impact on the environment requiring inclusion in the EIAR, it is considered that they should be addressed in plans and supporting statements submitted with the planning application:

1. **Flood risk:** It is noted that in your Scoping Report, and in response to SEPA's comments on this issue, you consider that the sheltered location of the proposed development means that you have 'scoped out' the need for a detailed Flood Risk Assessment and any need for the EIAR to address this matter in detail. It is nevertheless considered that further technical detail to prove 'no flood risk' is required. You should follow SEPA advice on this matter and also consult the Comhairle Flood Risk Officer for this area, Donald John MacDonald ([d.j.macdonald@cne-siar.gov.uk](mailto:d.j.macdonald@cne-siar.gov.uk)).
2. **Traffic construction impacts:** Anticipated traffic routes for rock armour and rock infill to be brought from outwith the site area and anticipated vehicle tonnages and mitigation measures for road maintenance should be identified.
3. **Impact on the pontoons:** Plans should be clear about how access to and use of the pontoons can be maintained in a safe and convenient manner. They should also be clear about any changes that may be required to the pontoons.

There are also some matters of detail that would benefit from attention:

- **Policy and Guidance:** Generally throughout the Scoping Report there is a failure to refer to relevant policies in either the existing, or the approved replacement Outer Hebrides Local Development Plan (OHLDP) and associated supplementary guidance (notably "Car Parking and Roads Layout") or to Scottish Planning Policy. This requires correction.
- **Table 5.1:** "Former Inn" refers to what is now the Taigh Chearsabhagh museum and arts centre. It is not "in derelict condition". You do note this correctly in your list of Canmore sites at Table 5.2.
- The penultimate item in Table 5.2 refers to "Trumisgarra Parish Church". This should read "Lochmaddy and Trumisgarra Parish Church".
- **Para 6.3.1.1:** check the spelling of the botanical names.
- **Table 15.1:** The first item has now been decided. As a general comment on this table, if it covers "Planning approvals" would it not be better for the penultimate column to be headed "Date Approved" and to delete the ultimate column? Also, most of these cases have no relevance to the Lochmaddy Pier development at all. It would probably be better if your list

were to be limited to developments within Lochmaddy Main Settlement (as defined in the approved replacement OHLDP).

The response of consultees is attached to this opinion. Please note that, notwithstanding chasing a reply, there has been no response from the Health and Safety Executive. Its locus in this case relates to there being a licence for handling explosives at the ferry terminal. If you have not independently been in contact with the Health and Safety Executive, you may like to do so via [explosives.planning@hse.gov.uk](mailto:explosives.planning@hse.gov.uk)

This Scoping Opinion is adopted under the provisions of Regulation 17 of the Environmental Impact Assessment (Scotland) Regulations, 2017 and shall be placed on the register in accordance with Regulation 25.

Date 26 October 2017 Signed:

Planning Manager (Development Management)

DECISION NOTICE SENT TO:

Comhairle Nan Eilean Siar  
c/o Affric  
Per Cassie Butler  
Lochview Office  
Loch Duntelchaig  
Farr  
IV2 6AW

A copy of this Scoping Opinion has been sent to all consultees.



## Scottish Environment Protection Agency

**Hay J (Jessica)**

---

**From:** Planning Dingwall <Planning.Dingwall@sepa.org.uk>  
**Sent:** 26 September 2017 13:51  
**To:** 'Cassie Butler'; 'planningconsultations-ben@cne-siar.gov.uk'  
**Cc:** 'Patrick.Hughes@snh.gov.uk'; 'HMConsultations@hes.scot'; 'Brian.Sydney@cmassets.co.uk'; 'Fiona.Henderson@affriclimited.co.uk'; Hay J (Jessica); Bland M (Michael) (MARLAB); 'Alastair Banks'  
**Subject:** Lochmaddy Ferry Terminal Upgrade Scoping - SEPA Response PCS/155160  
**Attachments:** Ferry terminal upgrades at Uig, Lochmaddy and Tarbert

Hi Cassie and Alastair,

Many thanks to both of you for the Lochmaddy scoping consultations and scoping report. As both sets of information are identical, we are responding to you both within this email to ensure consistency.

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 Lochmaddy EIA against this advice and have the following comments.

At the screening stage, we concluded that, in terms of our interests, the development was unlikely to have a significant effect (in the context of the Regulations) on the environment and therefore we did not request EIA. However we still requested that a number of topics were addressed as part of any subsequent Harbour Revision Order, Marine Licence or planning application submission.

We note a number of topics within our remit have been scoped out of the EIA but it is not clear if these will be detailed within any other supporting documentation for these applications. As detailed in our previous response (attached), we would expect all the topics listed to be addressed within the applications either within the EIAR or as part of other supporting information. For some of these topics, the scoping report already details proposed mitigation and why the issue does not need to be assessed as part of the EIA. For many of our topics, this information would suffice in the form of supporting information or within the schedule of mitigation however there are some issues detailed below which require further information or assessment. For the avoidance of doubt, we have no preference as to whether this is within the EIAR or as other supporting information. If it would assist, we would welcome the opportunity to comment on the draft EIAR or other supporting information.

- a) Section 13.4 of the Scoping Report mentions the installation on an oil separator and new drainage system. Section 13.6 proposes scoping out terrestrial water quality. We request that this issue is assessed in some form 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 support the proposal for 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.
- b) Flood risk is mentioned in Sections 13 and 14 of the Scoping Report but it is not clear whether this is being assessed as part of the EIA or other supporting information. Please refer to Section 4 of our previous response and specifically Section 4.3 in terms of any proposed land reclamation. This should be addressed in the forthcoming applications.
- c) Section 11 of 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.
- d) We note the proposal for a CEMP throughout the Scoping Report and that this is will be a general repository for much of the proposed mitigation in the absence of assessment within the EIAR. 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.

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

Kind regards

Cerian

Cerian Baldwin  
Senior Planning Officer  
Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall IV15 9XB Direct Line: 01349 860415  
Email: [cerian.baldwin@sepa.org.uk](mailto:cerian.baldwin@sepa.org.uk)

Cerian Baldwin  
Àrd-Oifigear Dealbhaidh  
Seirbheis an Dealbhachaidh, BDAA, Taigh Graesser, Pàirc Gnothachais Inbhir Pheofharain, Inbhir Pheofharain, IV15 9XB.  
Fòn: 01349 860415 Post-dealain: [cerian.baldwin@sepa.org.uk](mailto:cerian.baldwin@sepa.org.uk)

Please note that I normally only work on Tuesdays, Wednesdays and Thursdays.

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

---

**From:** Cassie Butler [mailto:[Cassie.Butler@affriclimited.co.uk](mailto:Cassie.Butler@affriclimited.co.uk)]

**Sent:** 21 September 2017 12:21

**To:** [Jessica.Hay@gov.scot](mailto:Jessica.Hay@gov.scot); [michael.bland@gov.scot](mailto:michael.bland@gov.scot)

**Cc:** [Patrick.Hughes@snh.gov.uk](mailto:Patrick.Hughes@snh.gov.uk); Planning Dingwall <[Planning.Dingwall@sepa.org.uk](mailto:Planning.Dingwall@sepa.org.uk)>; [HMCConsultations@hes.scot](mailto:HMCConsultations@hes.scot); [Brian.Sydney@cmassets.co.uk](mailto:Brian.Sydney@cmassets.co.uk); [Fiona.Henderson@affriclimited.co.uk](mailto:Fiona.Henderson@affriclimited.co.uk)

**Subject:** The Marine Works (Environmental Impact Assessment) Regulations 2017, Regulation 14 - Request for a Scoping Opinion, Lochmaddy Ferry Terminal Upgrade.

Hello Jessica and Michael,

I write to request a scoping opinion for the Lochmaddy Ferry Terminal Upgrade, on behalf of Comhairle nan Eilean Siar. This is in accordance with The Marine Works (Environmental Impact Assessment) Regulations 2017, Regulation 14.

Please find attached the Lochmaddy Ferry Terminal Development EIA Scoping Report for your information and review.

I anticipate a scoping opinion by the end of November 2017. Allowing for the 30 days consultation period as outlined in Regulation 14 (5) and the additional 5-week period required for Marine Scotland to adopt a Scoping Opinion as outlined in Regulation 14 (7). Please inform Affric Limited at the earliest opportunity, if this is not achievable, so that we can update the project delivery programme accordingly.

We look forward to receiving your scoping opinion. Should you have any further queries in the meantime please contact Cassie Butler (07710021881 or [Cassie.Butler@affriclimited.co.uk](mailto:Cassie.Butler@affriclimited.co.uk)) or Fiona Henderson (07773353399 or [Fiona.Henderson@affriclimited.co.uk](mailto:Fiona.Henderson@affriclimited.co.uk)) of this office.



## The Maritime Coastguard Agency

**Hay J (Jessica)**

---

**From:** Helen Croxson <Helen.Croxson@mcga.gov.uk>  
**Sent:** 02 November 2017 11:04  
**To:** Hay J (Jessica)  
**Subject:** RE: Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation - Response required by 03 November 2017

Jessica,

Thank you for the opportunity to comment on the scoping request for the Lochmaddy Ferry Terminal developments.

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 (PMSA) and Guide to Good Practice (GTGP). They will need to liaise and consult with the local Harbour Authority, in this case the Comhairlie Nan Eilean Siar Harbour Authority, 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.

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 a pier extension, 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  
Southampton  
SO15 1EG

Tel: 0203 8172426  
Mobile: 07468353062  
Email: [Helen.Croxson@mcga.gov.uk](mailto:Helen.Croxson@mcga.gov.uk)

Please note I currently work Tuesdays, Wednesdays and Thursdays.

## The Northern Lighthouse Board

### Northern Lighthouse Board

Your Ref: Email dated 04/10/17  
Our Ref: GB/OPS/ML/C3\_01\_287

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)



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) – CALEDONIAN MARITIME ASSETS LTD (PER AFFRIC) – FERRY TERMINAL REDEVELOPMENT WORKS – LOCHMADDY FERRY TERMINAL, LOCHMADDY, NORTH UIST**

Thank you for your email correspondence dated 04 October 2017 regarding the proposal by Caledonian Maritime Assets Ltd (per Affric) for ferry terminal redevelopment works at Lochmaddy, North Uist.

We note the redevelopment works will include dredging, pier reconstruction/extension and land reclamation.

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  
[Redacted]

Peter Douglas  
Navigation Manager



the safety of

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

## Historic Environment Scotland



By email to:  
[planningconsultations-ben@cne-siar.gov.uk](mailto:planningconsultations-ben@cne-siar.gov.uk)  
and [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Comhairle nan Eilean Siar - Benbecula  
Council Offices  
Balivanich  
Isle of Benbecula  
HS7 5LA

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMC consultations@hes.scot](mailto:HMC consultations@hes.scot)

Our ref: AMN/16/W  
Our case ID: 300021754  
Your ref: 17/00471/SCO\_L

09 October 2017

Dear Sir/Madam

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017  
Pier, Lochmaddy, Isle of North Uist - Ferry Terminal Upgrade;  
Scoping on Marine Construction and Dredging Aspects  
Scoping Report

Thank you for your consultation which we received on 25 September 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).

Your 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 at Lochmaddy Ferry Terminal comprises the following main components: pier extension, reconstruction and fendering; dredging; upgrade to the existing substation; and vehicle marshalling created from reclamation areas.

### Scope of assessment

I note the content of archaeology and cultural heritage chapter in the submitted scoping report and understand that no significant impacts on heritage assets within our remit are predicted, due to the nature of the project and the distance between the project site and any areas of archaeology or cultural interest. We agree with this statement and would be content for our interests to be scoped out of any further assessment undertaken.





We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska and they can be contacted by phone on 0131 668 8653 or by email on [Urszula.Szupczynska@hes.scot](mailto:Urszula.Szupczynska@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
Scottish Charity No. **SC045925**  
VAT No. **GB 221 8680 15**

## 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](mailto:admin@ryascotland.org.uk)  
Web: [www.ryascotland.org.uk](http://www.ryascotland.org.uk)

9 October 2017

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

[jessica.hay@gov.scot](mailto:jessica.hay@gov.scot)

Dear Jessica,

#### Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation

I have read the scoping opinion request documentation on behalf of RYA Scotland and have consulted our coastwatchers. As far as I can see, there should not be an impact on recreational boating and so this can be scoped out of the EIA. However, I was surprised not to see any mention of the recreational boating or the Lochmaddy Marina in the documentation and recommend that the EIA should include a statement that these were considered but that it was felt there would be no significant impact on recreational boating. Access to the marina needs to be maintained during the works. We welcome the development of the pier, particularly as it should minimise the risk of further ferry incidents such as the one that damaged the marina last year.

Yours sincerely,  
[Redacted]

A handwritten signature in dark ink, appearing to be 'Dr G. Russell'.

Dr G. Russell FRMetS MCIEEM

Planning and Environment Officer, RYA Scotland

## Defence Infrastructure Organisation

**Hay J (Jessica)**

---

**From:** DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.uk>  
**Sent:** 19 October 2017 08:18  
**To:** Hay J (Jessica)  
**Subject:** RE: Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation-DIO 10041565-O

Good Morning Jessica,

Further to your e-mail below and after our assessment, I can confirm that the MOD has No Objection to this 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](mailto: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:** 04 October 2017 12:23

**To:** argyll\_outerhebrides@snh.gov.uk; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; Darren.Hirst@bidwells.co.uk; pauline.mcgrow@ryascotland.org.uk; enquiries@cne-siar.gov.uk; planning.scotland@rspb.org.uk; Scotland-EIA.Scoping-Opinions@hse.gov.uk; hmconsultations@hes.scot; FO.Stornoway@gov.scot; Phil.Gilmour@gov.scot; brian@asfb.org.uk; richard.nevinson@british-shipping.org; Gsimmonds@ukchamberofshipping.com; DIO-Safeguarding-Offshore (MULTIUSER); secretary@marinesafetyforum.org; Val.Ferguson@transport.gov.scot; sarah.dolman@whales.org; fiona.read@whales.org; renewables@sff.co.uk; scollin@scottishwildlifetrust.org.uk; operations@cmassets.co.uk; science@hwdt.org; alastair.mcruaraidh.mcneill@gmail.com; u.robertson@cne-siar.gov.uk  
**Subject:** Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation - Response required by 03 November 2017

Dear Sir/Madam,

**Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended)**

## Scottish Fishermen's Federation

### Hay J (Jessica)

---

**From:** Malcolm Morrison <M.Morrison@sff.co.uk>  
**Sent:** 01 November 2017 18:12  
**To:** Hay J (Jessica)  
**Subject:** Re: Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation - Response required by 03 November 2017

Nil response from Sff thanks

Sent from Malcolm's I-phone

On 1 Nov 2017, at 15:06, "[Jessica.Hay@gov.scot](mailto:Jessica.Hay@gov.scot)" <[Jessica.Hay@gov.scot](mailto:Jessica.Hay@gov.scot)> wrote:

Dear Sir/Madam,  
A gentle reminder that responses to the above 30 day scoping consultation, carried out under Section 14 (5) of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 are due on Friday 03 November 2017.  
Kind Regards  
Jessica

Jessica Hay  
Marine Licensing Officer  
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB  
Please note new direct number  
Direct Line: +44 (0)131 244 4140  
General Queries: +44 (0)1224 295 579  
Email: [jessica.hay@gov.scot](mailto:jessica.hay@gov.scot)  
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>  
<<http://www.scotland.gsi.gov.uk/marinescotland>>

[cid:image001.png@01D35322.D74E1B10]<<http://www.gov.scot/Topics/marine/Licensing/marine/MLFAQ>>

From: Hay J (Jessica)  
Sent: 04 October 2017 12:23  
To: [argyll\\_outerhebrides@snh.gov.uk](mailto:argyll_outerhebrides@snh.gov.uk); '[planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk)'; [navigationsafety@mcga.gov.uk](mailto:navigationsafety@mcga.gov.uk); '[navigation@nlb.org.uk](mailto:navigation@nlb.org.uk)'; [Darren.Hirst@bidwells.co.uk](mailto:Darren.Hirst@bidwells.co.uk); '[pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)'; [enquiries@cne-siar.gov.uk](mailto:enquiries@cne-siar.gov.uk); [planning.scotland@rspb.org.uk](mailto:planning.scotland@rspb.org.uk); '[Scotland-EIA.Scoping-Opinions@hse.gov.uk](mailto:Scotland-EIA.Scoping-Opinions@hse.gov.uk)'; '[hmcconsultations@hes.scot](mailto:hmcconsultations@hes.scot)'; FO Stornoway; Gilmour PD (Phil); '[brian@asfb.org.uk](mailto:brian@asfb.org.uk)'; '[richard.nevinson@british-shipping.org](mailto:richard.nevinson@british-shipping.org)'; '[Gsimmmonds@ukchamberofshipping.com](mailto:Gsimmmonds@ukchamberofshipping.com)'; '[DIO-safeguarding-offshore@mod.uk](mailto:DIO-safeguarding-offshore@mod.uk)'; '[secretary@marinesafetyforum.org](mailto:secretary@marinesafetyforum.org)'; Ferguson V (Val); [sarah.dolman@whales.org](mailto:sarah.dolman@whales.org); [fiona.read@whales.org](mailto:fiona.read@whales.org); [renewables@sff.co.uk](mailto:renewables@sff.co.uk); '[scollin@scottishwildlifetrust.org.uk](mailto:scollin@scottishwildlifetrust.org.uk)'; [operations@cmassets.co.uk](mailto:operations@cmassets.co.uk); '[science@hwdt.org](mailto:science@hwdt.org)'; [alastair.mcruaraidh.mcneill@gmail.com](mailto:alastair.mcruaraidh.mcneill@gmail.com); '[u.robertson@cne-siar.gov.uk](mailto:u.robertson@cne-siar.gov.uk)'  
Subject: Scoping Opinion Request - Caledonian Maritime Assets Limited (per Affric) - Lochmaddy Ferry Terminal Development - Consultation - Response required by 03 November 2017

## **Appendix II: Licensing Process**

### Application

The application letter must detail how many licences are being sought, what marine licensable activities are proposed and what legislation the application is being made under.

Applicants are required to submit two hard copies of EIA report together with an electronic copy in a user-friendly PDF format which will be placed on the Scottish Government website. If requested to do so by the Scottish Ministers the applicant must send to the Scottish Ministers such further hard copies of the EIA report as requested. Applicants may be asked to issue the EIA report directly to consultees and in which case consultee address lists should be obtained from the Scottish Ministers.

### Requirement for Public Pre-Application Consultation ('PAC')

From 6<sup>th</sup> April 2014, applications received for certain activities are subject to a public pre-application consultation requirement. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This requirement allows local communities, environmental groups and other interested parties to comment on proposed works in their early stages and before an application for a marine licence is submitted.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via

<http://www.legislation.gov.uk/ssi/2013/286/made>

Guidance on marine licensable activities subject to Pre-application Consultation can be obtained at:

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

The licensing authority reserves the right not to accept an application in the absence of an acceptable PAC report.

### Pre-Dredge Sampling

Please note that if it is intended to dispose of any dredged material at sea, adequate predredge 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 IV.

### 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



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### 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](#).

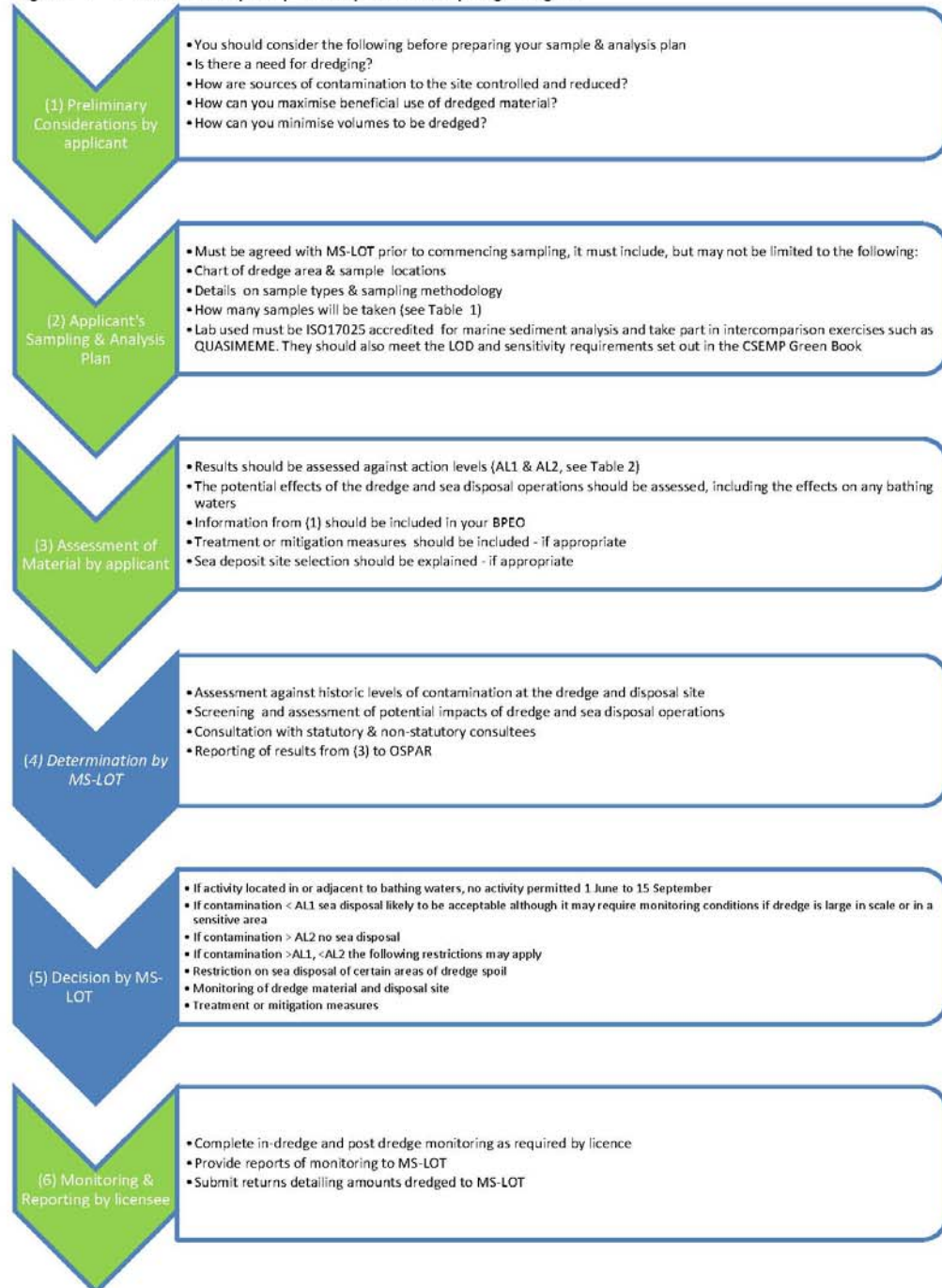
The requirements set out in this document will ensure applications are in compliance with the above. Deviations from these requirements are liable to result in delays in processing your application as well as the potential requirement for further sampling, analysis and assessment. Please retain **all** 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 <sup>3</sup> )	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 <a href="mailto:ms.marinelicensing@gov.scot">ms.marinelicensing@gov.scot</a>

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 100,000m<sup>3</sup> 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
<b>Polyaromatic Hydrocarbons</b>		
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.