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**Fiona Henderson**  
**Affric Limited**  
**Lochview Office**  
**Loch Duntelchaig**  
**Farr**  
**IV2 6AW**  
**Inverness**

Date: 08 December 2021

Dear Fiona Henderson,

**SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

Thank you for your marine licence extension request dated 26 October 2021 in regards to the proposed extension of the construction, dredging and deposit activities at Lochmaddy Ferry Terminal, Lochmaddy (“the Proposed Works”).

The Proposed Works are to be undertaken as part of the Lochmaddy ferry terminal redevelopment (“the Licensed Works”), for which two marine licences were granted in November 2019. The Licensed Works are an Environmental Impact Assessment (“EIA”) project therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), on the basis that they constitute an extension of schedule 2 works already authorised. The Proposed Works are being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Comhairle nan Eilean Siar and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3

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

of the 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

### **Characteristics of the works**

The Licensed Works currently have two valid marine licences, one authorising construction and another authorising dredging and sea deposit of dredge material. The current marine licences are valid until 31 December 2021. The Proposed Works are part of the original harbour design and were included within the EIA but a temporal extension to the licences of three years is required to complete the construction and the dredging due to delays caused by COVID-19. There is no anticipated change to the one year duration of the construction works however a three year licence period is requested to allow for any further delays.

As only a small amount of rock armour has been placed under authority of the construction licence, the screening opinion is for the required temporal extension to complete both the dredging and construction. The design, materials and methods for the ferry terminal upgrade are unchanged from that which was described and assessed in the EIA.

### **Location of the works**

The Proposed Works are located in Loch Maddy which is within the Loch nam Madadh Special Area of Conservation (“SAC”), designated for otters, as well as other habitat features. Additionally, the Proposed Works have connectivity with the Inner Hebrides and the Minches SAC, designated for harbour porpoise. Furthermore, potential impacts from the Proposed Works were identified on the North-East Lewis Marine Protected Area (“MPA”) as well as the Sea of the Hebrides MPA. The pathway of impact on these sites is unchanged from that which was assessed in the EIA. The methods for the Proposed Works are unchanged from that which was assessed in the EIA and the Construction Environmental Management Document (“CEMD”) will continue to be adhered to, including relevant mitigation for marine mammals and otters.

The Sea of the Hebrides MPA and North East Lewis MPA had not been fully designated when the EIA was written and assessed however they were assessed as proposed sites. The conservation objectives for these sites have not changed from what was originally assessed and the previously identified mitigation will continue to be implemented during the proposed extension period.

### **Characteristics of the potential impact**

The marine licence extension request provides an updated assessment to consider the extension period. The Proposed Works during the temporal extension will not differ from the materials and methods already assessed in the EIA Report.

SEPA, NatureScot, HES and the Local Authority (Comhairle nan Eilean Siar) were all consulted on 03 November 2021 and all advised that the temporal variation would not change their original consultation responses and that the Proposed Works do not require an EIA.

The Scottish Ministers agree with the applicant’s assessment that there will be no additional impacts from the Proposed Works. The mitigation within the CEMD is sufficient to ensure that there will be no significant adverse effect on the environment from the Proposed Works.

Based on the information provided and advice received, the Scottish Ministers are content that the Proposed Works do not alter the significance of any of the environmental effects

which have previously been assessed in regards to the Licensed Works and do not introduce any additional significant environmental effects.

## **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Comhairle nan Eilean Siar planning department. The screening opinion has also been made publicly available through the [Marine Scotland Information](#) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

**Thomas Inglis**

Marine Scotland - Licensing Operations Team

## Appendix I – Consultation responses to inform the screening opinion.

### Historic Environment Scotland



**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

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

Our case ID: 300021754  
Your ref: 07000/07001  
17 November 2021

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Consultation Under Part 2, Regulation 10 (5) of the EIA Regulations Lochmaddy Ferry Terminal Development, North Uist - EIA Screening

Thank you for your consultation which we received on 03 November 2021 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

#### **Our Screening opinion**

We have no comments to make on the requirement or otherwise for an EIA for this proposed development. However, you may find the information provided below helpful in reaching your decision on the matter.

#### **Our advice**

We do not consider that the proposed extension of the marine licences by 3 years is likely to have any significant adverse impacts on heritage assets within our remit.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska and they can be contacted by phone on 0131 668 8983 or by email on [Urszula.Szupszynska@hes.scot](mailto:Urszula.Szupszynska@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**

# SEPA

OFFICIAL

Dear Mr Inglis,

Thank you for consulting SEPA on the screening opinion for the above development, which we received by email on 3 November 2021.

We consider that, with respect to our interests, **Environmental Impact Assessment is not required** for the above proposal. We note that the screening relates to the extension of the marine licences by 3 years. We note that we provided comment on this proposal in 2019, a copy of which we have attached for reference. Due to the SEPA cyber-attack, this is the only response we hold relating to the project, which relates to the planning application 19/00182/PPD.

For regulatory authorisations, please direct applicants to contact a member of the local SEPA Regulatory Team at [ahsh@sepa.org.uk](mailto:ahsh@sepa.org.uk).

Please do not hesitate to get in touch should you have any questions.

Sincerely,  
Aden

**Aden McCorkell**  
Senior Planning Officer  
North Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall IV15 9XB  
Mobile: **Redac** Email: [planning.north@sepa.org.uk](mailto:planning.north@sepa.org.uk)  
Our planning website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/)

Please note my normal working days are Wednesday – Friday

#### Disclaimer

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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phost-d, chan fhaod tad lethbhreac a dhèanamh dheth no a chleachdadh arithist.

Mura h-ann dh'fhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhàd le bhith cur post-d gu [postmaster@sepa.org.uk](mailto:postmaster@sepa.org.uk).

Offis chlàraichte: Taigh Srath Alain, Pàirc Anòthachais a' Chaisteil, Srùighlea FK9 4TZ. Fo Achd Rìoghaidh nan Cumhachdan Rannsaichidh 2000, dh'fhaodadh gum tèid an siostam puist-d aig SEPA a sgrùdadh bho ùm gu ùm.

Our ref:	PCS/165192
Your ref:	19/00182/PPD

Alastair Banks Comhairle Nan Eilean Siar Council Offices Balivanich Isle of Benbecula Western Isles HS7 5LA	If telephoning ask for: Aden McCorkell  13 May 2019
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By email only to: [planningconsultations-ben@cne-siar.gov.uk](mailto:planningconsultations-ben@cne-siar.gov.uk)

Dear Mr Banks

**Town and Country Planning (Scotland) Acts**  
**Planning application: 19/00182/PPD**  
**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 29 April 2019.

**Advice for the planning authority**

We have no objection to this planning application. 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 comments 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



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

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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: Tom Rea, Wallace Stone LLP, [dingwall@wallacestone.co.uk](mailto:dingwall@wallacestone.co.uk); [alastair.banks@cne-siar.gov.uk](mailto:alastair.banks@cne-siar.gov.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or*

*neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## NatureScot

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("the EIA Regulations")  
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS  
Comhairle Nan Eilean Siar (CnES) (per Affric) - Ferry Terminal Development - Lochmaddy, North Uist

Thank you for consulting us on the extension to this Marine Licence.

Our advice remains the same as that provided in our response to the original screening opinion request on the 02 August 2017. An environmental statement was subsequently submitted for this Marine Licence. We advise that no further information is required to make an assessment on the features of the designated sites or on protected species in the wider environment, as previously outlined in our response.

There are unlikely to have been any significant changes to the distribution of habitats and species in the vicinity of the development. Considering this we advise that our previous advice should be used for assessing the 3 year extension of this licence.

If you need any further information or would like to discuss please let me know,

Deagh dhùrachd,

Patrick

Patrick Hughes | Operations officer, Outer Hebrides

NatureScot | Stillgarry | South Uist | Outer Hebrides | HS8 5RS | **Redac**  
[nature.scot](http://nature.scot) | [@nature\\_scot](https://twitter.com/nature_scot) | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

## CnES

Dear Mr Inglis,

I apologise for the delay in responding to the consultation request below, received on 3 November 2021.

I note that Marine Licence Number 07000/19/0 and 07001/19/0 were issued on 5 November 2019, such Licences valid from 01 January 2020 until 31 December 2021; the scope of works the subject of the Licences having been determined EIA Development for which an EIA Report was compiled to assess the likely significant environmental effects.

I note that the current request for a Screening opinion arises from an application by Affric (on behalf of CnES) to extend, by three years, the Marine Licences formerly granted, with no change to the scope of the marine works.

On behalf of the Comhairle as Planning Authority, I would confirm that notwithstanding the lapse of time and imminent expiry of the Marine Licences, that insofar as the interests of the Comhairle are concerned (the works within the inter-tidal area), no further significant environmental effects are considered likely to arise and the extension of the marine licences by 3 years is not considered to be EIA development requiring further assessment.

Regards

Máing NíPhearghala | Manaidsear Eileannaibh, (Blioradh Leasachais) | Roinn nan Coimhearsnachdan | Comhairle nan Eilean Siar | Baile a' Mhòrathach | Beinn na Faoghla | Bannbòla | HS7 5LA | [info@cn-es.scot.nhs.uk](mailto:info@cn-es.scot.nhs.uk) | Fón: 01870 604990 | Fàc: 01870 602332 | Eil: 330838

Morag Ferguson | Planning Manager, (Development Management), | Communities Department | Comhairle nan Eilean Siar | Bannbòla | HS7 5LA, [info@cn-es.scot.nhs.uk](mailto:info@cn-es.scot.nhs.uk) | Tel: 01870 604990 | Fax: 01870 602332 | Eil: 330838