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SCOTTISH MINISTERS ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR
PROPOSED NATURE CONSERVATION MARINE PROTECTED AREAS IN VIEW OF THE
CONSERVATION OBJECTIVES OF THE SITES.

APPLICATION FOR MARINE LICENCES UNDER THE MARINE (SCOTLAND) ACT 2010
FOR CONSTRUCTION, DREDGING, DEPOSIT OF DREDGED SUBSTANCES OR
OBJECTS AND REMOVAL OF SUBSTANCES OR OBJECTS ASSOCIATED WITH THE
UPGRADING OF THE EXISTING FERRY TERMINAL AT LOCHMADDY, NORTH UIST

SITE DETAILS: LOCH MADDY, NORTH UIST

Name	Assessor or Approver	Date
Stephanie Sweeting	Assessor	19/07/2019
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SECTION 1: BACKGROUND

1 Introduction

- 1.1 This Marine Protected Area (“MPA”) assessment relates to the application submitted by Comhairle nan Eilean Siar (“CnES”) for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”) for construction, dredging, deposit of dredged substances or objects and removal of substances or objects associated with the upgrading of the existing Ferry Terminal at Lochmaddy (hereinafter collectively referred to as “the Works”).
- 1.2 The assessment has been undertaken by Marine Scotland – Licensing Operations Team (“MS-LOT”), acting on behalf of the Scottish Ministers, and is required under section 83 of the 2010 Act. MS-LOT, as the 'public authority' under the 2010 Act, has to be satisfied that the licensable activities are not capable of affecting (other than insignificantly) the protected features in any Nature Conservation MPA, or any ecological or geomorphological process on which the conservation of these features is dependant, before any marine licences can be granted.
- 1.3 Scottish Natural Heritage (“SNH”) has been consulted.

2 MPA assessment conclusion

- 2.1 This MPA assessment concludes that the Works are not capable of affecting, other than insignificantly, the protected features of the North-east Lewis proposed Nature Conservation MPA (“pMPA”) or the Sea of Hebrides pMPA and therefore do not pose a significant risk to the achievement of the conservation objectives of the aforementioned pMPAs, provided the condition in Section 4 is applied.

3 Background to including assessment of pMPAs

- 3.1 The Scottish Ministers are currently in the process of identifying a suite of new MPAs in Scotland. In 2012 possible MPAs were identified, since then, additional assessment work has been undertaken and SNH has provided advice that the possible MPAs meet the MPA selection guidelines. The Scottish Ministers have agreed the case for the possible MPAs to be subject to consultation. Once consultation has started they become pMPAs and are provided with policy protection. This policy protection effectively offers the

pMPAs the same level of protection as designated MPAs until a decision on the classification of the sites is made.

4 Details of proposed activities

4.1 CnES propose to upgrade the existing Lochmaddy Ferry Terminal. The Works include the following components:

- Pier upgrade including repairs and strengthening;
- Capital dredging and deposit of dredged substances or objects; and
- Extension of marshalling area and hard standing area through land reclamation, including construction of a rock armour revetment.

4.2 Construction works will be conducted between 7am to 8pm Monday to Saturday, with Saturday work generally finishing earlier. No Sunday working is anticipated to occur. However, work outwith these hours may be required on an infrequent basis to suit tides and ferry movements, or for other operational reasons.

Pier upgrade

4.3 There is a need to carry out varying degrees of repair and strengthening to the existing pier. Prior to works commencing on the pier, temporary pneumatic fenders will be installed to allow berthing of the ferry throughout the construction phase. The berthing line will be moved out from the existing pier to allow works to be carried out on the pier edge without disrupting ferry operations.

4.4 Works to the middle pier section will include concrete repairs to the existing pier deck, cross beams and columns adding additional rebar and spraying concrete to coat the structures under the pier, including existing concrete piles. Steel braces and rock dowels will also be installed and connected by concrete supports to reinforce the structure. The metal piles of the outer pier section will be wrapped in corrosion prevention tape to preserve the structure. The roundhead at the end of the outer section will be cut down to facilitate tie in with a new caisson.

4.5 The pier will be extended utilising a prefabricated concrete caisson. The extension is approximately 35 metres ("m") long, providing an overall pier length of 145m. The caisson is 12.5m wide, providing a wider working area than afforded by the rest of the pier which is 9.8m wide. New concrete decking will join the caisson to the end of the existing pier. The caisson will be placed

onto a preconstructed base and will be infilled with imported rock fill. Scour protection will be placed around the caisson.

- 4.6 Parallel Motion Fenders will be installed on new piles along the berth face of the existing pier and attached directly onto the caisson. The wooden fenders on the northern face of the inner concrete section and middle sections of the pier will be removed and replaced like for like.

Capital dredging and deposit of dredged substances or objects

- 4.7 There are three dredge areas as shown in Appendix 1. Dredging to a depth of -5m Chart Datum (“CD”) will be completed to allow a larger ferry vessel to berth and manoeuvre safely, referred to as the berth and manoeuvring dredge areas. Dredging is also required for the caisson base, referred to as the caisson dredge. An area around the footprint of the caisson will be dredged to -8.5m CD. Dredging will be carried out by either a Backhoe Dredger (“BHD”) or Trailer Suction Hopper Dredger (“TSHD”). It is unlikely that TSHD will be suitable for use in all areas, so if it is to be used, it will be in combination with BHD. The total amount of substances or objects to be dredged is 16,000 wet tonnes and all will be deposited at the designated Stornoway deposit site.

- 4.8 Dredging is planned for the winter months when the number of vessels utilising the pontoons and moorings are likely to be lowest. To facilitate dredging adjacent to the linkspan, the pontoon anchors will be relocated for the duration of the dredging and reinstated once complete.

Marshalling and hard standing area

- 4.9 The marshalling area will be increased and a hard standing area created by extending the north east and north west of the existing marshalling area. To the north west, the small hill between the existing marina facility and the access road to the hotel will be removed to reduce the height to the level of the existing access road. This material will then be used to create a rock revetment along the seaward edge of the proposed marshalling area extension and the remaining material from the levelling works will be used as infill for the land reclamation.

5 Consultation

- 5.1 SNH was consulted on 24 May 2019 and provided its response on 19 July 2019 with regards to the protected features of the pMPAs.

6 Main points raised during consultation

- 6.1 The response from SNH advised that whilst the proposal is capable of affecting the Risso's dolphin feature of the North-east Lewis pMPA and the minke whale feature of the Sea of Hebrides pMPA, the effects will be insignificant providing the marine mammal mitigation measures proposed by CnES are adhered to.

SECTION 2: INFORMATION ON THE pMPA SITES

7 Background information and protected features of relevant pMPA sites

- 7.1 This section provides links to the SNH website where the background information on the sites being considered in this assessment is available. The protected features for each site are listed as are the conservation objectives.

Table 1 Names of pMPA sites affected and relevant links to SNH website

<p>North-east Lewis pMPA</p> <p>Sea of Hebrides pMPA</p>
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Table 2 Protected features and feature condition

<p>North-east Lewis pMPA</p> <p>Mobile species</p> <ul style="list-style-type: none">• Risso's dolphin – Favourable• Sandeel – Favourable <p>Geomorphological features</p> <ul style="list-style-type: none">• Quaternary of Scotland (glaciated channels/troughs, landscape of areal glacial scour, mega-scale glacial lineations) – Favourable• Marine Geomorphology of the Scottish Shelf Seabed (longitudinal bedform field) - Favourable <p>Sea of Hebrides pMPA</p> <p>Mobile species</p> <ul style="list-style-type: none">• Basking shark – Favourable• Minke whale – Favourable <p>Geomorphological features</p>
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- Marine Geomorphology of the Scottish Shelf Seabed – Inner Hebrides Carbonate Production Area – Favourable

Large scale features

- Fronts – Favourable

Table 3 Conservation objectives

North-east Lewis pMPA

The draft conservation objectives of the North-east Lewis pMPA are that the protected features

- so far as already in favourable condition, remain in such condition
- so far as not already in favourable condition, be brought into such condition, and remain in such condition

“Favourable condition”, with respect to a mobile species of marine fauna, means that

- a) the species is conserved or, where relevant, recovered to include the continued access by the species to resources providing by the possible MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds;
- b) the extent and distribution of any supporting features upon which the species is dependent is conserved or, where relevant, recovered; and
- c) the structure and function of any supporting feature, including any associated processes supporting the species within the possible MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.

“Favourable condition”, with respect to a feature of geomorphological interest, means that

- a) its extent, component elements and integrity are maintained;
- b) its structure and functioning are unimpaired; and
- c) its surface remains sufficiently unobscured for the purposes of determining whether the criteria in paragraphs (a) and (b) are satisfied.

For the purpose of determining whether a feature of geomorphological interest is sufficiently unobscured under paragraph (3)(c), any obscuring of that feature entirely by natural processes is to be disregarded.

For the purpose of determining whether a protected feature is in favourable condition any alteration to that feature brought about entirely by natural processes is to be disregarded.

Sea of Hebrides pMPA

The draft conservation objectives of the Sea of Hebrides possible MPA are that the protected features

- so far as already in favourable condition, remain in such condition
- so far as not already in favourable condition, be brought into such condition, and remain in such condition

“Favourable condition”, with respect to a mobile species of marine fauna or a feature of geomorphological interest is as defined above.

“Favourable condition”, with respect to a large scale feature, means that

- a) the extent, distribution and structure of that feature is maintained;
- b) the function of the feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site including, but not restricted to, feeding, spawning, courtship or use as nursery grounds; and
- c) the processes supporting the feature are maintained.

For the purpose of determining whether a protected feature is in favourable condition any alteration to that feature brought about entirely by natural processes is to be disregarded.

SECTION 3: ASSESSMENT OF THE POTENTIAL TO HAVE A SIGNIFICANT RISK OF HINDERING THE ACHIEVEMENT OF THE CONSERVATION OBJECTIVES OF THE pMPA.

8 Requirement for Nature Conservation Marine Protected Area assessment

8.1 *Is the proposal capable of affecting (other than insignificantly) the protected features of the pMPA?*

8.1.1 The response from SNH advised that whilst the proposal is capable of affecting the Risso's dolphin feature of the North-east Lewis pMPA and the minke whale feature of the Sea of Hebrides pMPA, providing the marine mammal mitigation measures proposed by CnES are adhered to, the effects will be insignificant and therefore further assessment is not required.

8.1.2 The designated Stornoway dredge spoil deposit site lies within the North-east Lewis pMPA and the Works are located approximately 3.7 kilometres from the Sea of Hebrides pMPA. SNH advised that Risso's dolphin frequent the deposit site and that the deposit of dredged substances or objects has the potential to temporarily displace dolphins from the area or prevent them from moving through it. SNH further noted that the deposit site is in shallow waters with an average depth of 20m, however Risso's dolphin use deeper water therefore they are unlikely to be in the vicinity of the deposit site. SNH advised that the following proposed mitigation measures will ensure that there are no dolphins in the vicinity while the substances or objects are being deposited - a 200m radius mitigation zone will be established around the vessel prior to deposit and substances or objects will only be disposed of if cetaceans including Risso's dolphin have not been observed for 20 minutes, and if a marine mammal is observed then the deposit of dredged substances or objects will not commence until the zone has been clear of marine mammals for five minutes.

8.1.3 SNH also advised that minke whale are distributed throughout the Sea of Hebrides pMPA with the highest densities to the west of the site including areas just beyond the mouth of Loch Maddy. Due to the enclosed nature of the bay, noise and vibration propagation will be reduced and the limited period of noise producing activities will ensure there is very limited potential for disturbance of minke whale.

8.1.4 MS-LOT agree with SNH's advice that whilst the Works are capable of affecting the Risso's dolphin feature of the North-east Lewis pMPA and the minke whale feature of the Sea of Hebrides pMPA, the effects will be insignificant providing the Works are undertaken in accordance with the marine mammal mitigation that has been incorporated into Section 11.2.4 of the Construction Environmental Management Document ("CEMD").

8.2 *Is there a significant risk of hindering the achievement of the pMPA's conservation objectives?*

8.2.1 No, the effects are insignificant so no further assessment required.

9 Assessment of the implications for the site in view of the site's conservation objectives.

9.1 No further assessment required.

10 MS-LOT conclusion

10.1 This MPA assessment concludes that the Works are not capable of affecting, other than insignificantly, the protected features of the North-east Lewis pMPA or the Sea of Hebrides pMPA and therefore do not pose a significant risk to the achievement of the conservation objectives of the pMPAs, providing the Works are undertaken in accordance with the marine mammal mitigation that has been incorporated into Section 11.2.4 of the CEMD.

SECTION 4: CONDITIONS

11 Requirement for conditions

11.1 The following condition is required to ensure that any effects on the protected features of the North-east Lewis pMPA and the Sea of Hebrides pMPA will be insignificant.

11.1.1 The licensee must ensure that the works are carried out in accordance with the Construction Environmental Management Document ("CEMD") (issue 1, dated 22 April 2019) submitted to the licensing authority, or any subsequent version, approved for the purpose by the licensing authority. In the event that the licensee wishes to update or amend the CEMD, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than two months or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The CEMD must remain consistent with the application and supporting information.

Appendix 4. Berth, manoeuvring and caisson dredge areas.

