

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

**Scoping Opinion adopted by the Scottish Ministers
under Part 4 of The Marine Works (Environmental
Impact Assessment) (Scotland) Regulations 2017**

Comhairle nan Eilean Siar (per JBA Consulting)

South Ford Flood Risk Management Scheme

May 2024

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1. Introduction

1.1 Background

1.1.1 On 30 August 2023, the Scottish Ministers received a scoping report (“the Scoping Report”) from Comhairle nan Eilean Siar (“the Applicant”) as part of its request for a scoping opinion relating to South Ford Flood Risk Management Scheme (“the Proposed Works”). On 18 December 2023 the Scottish Ministers received an Addendum to the Scoping Report, along with an Annex of drawings. In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) the Scottish Ministers considered the content of the Scoping Report to be sufficient.

1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations (“the Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works. The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken. In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”). In the event that the Applicant does not submit applications for marine licences under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Works

2.1 Introduction

2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

2.2 Description of the Proposed Works

2.2.1 The purpose of the Proposed Works is to provide flood management to the properties and land in the areas of South Ford tidal basin between the islands of South Uist and Benbecula in the Outer Hebrides, including the causeway carrying the A865 road. The area included in the proposed area of works includes South Ford basin, Gualan Island, Creagorrey Island and Liniclate and is hereafter referred to as "the site".

2.2.2 The total Proposed Works comprise three separate flood defence works within the site. These are the recharge of the Gualan Island shingle ridge, the construction of a flood protection bund at Liniclate and the implementation of a dune management system at Liniclate.

2.2.3 Recharge of the Gualan Island shingle ridge, using sediment from the area of accretion at the north end of Gualan Island and within the South Ford basin. Approximately 13,600 cubic meters ("m³") of sand will be removed from the north end of Gualan Island and approximately 98,000 m³ of sediment will be removed from an area within the South Ford tidal basin, giving a total of 111,600 m³ of sediment for beach recharge from the two locations.

2.2.4 The top level of Gualan Island will be built up to 4.7 meters Above Ordinance Datum ("m AOD") with a crest width of approximately 10 metres ("m") width. Geotextile bags will be used as a base to hold the locally sourced sand and sediment in place once deposited on top. On the open seaward side of the ridge locally sourced shingle will be placed to provide protection to the landward sand.

2.2.5 Construction of a flood protection bund at Liniclate will comprise of a bund constructed of imported rock infill and sand. The top layer will be vegetated with a machair layer taken from the area situated within the created bund. Exact details of the quantities of rock, membrane, pipes and flap valves required for the bund have yet to be determined.

- 2.2.6 The structure will raise existing land levels from between 0 m and 5 m in height, to create a top approximately 2 m width and 4 m AOD.
- 2.2.7 Implementation of dune management measures on the Liniclate dune system including sand fencing to trap sand and create a new foredune. Seaweed from the beach is proposed to be used to add stability to the base of the dunes to reduce erosion and provide protection.
- 2.2.8 This system would also include fencing on the landward side of the dunes to manage pedestrian access and livestock areas.

2.3 Onshore Planning

- 2.3.1 The Scottish Ministers are aware the Applicant has sought a separate scoping opinion from Comhairle nan Eilean Siar Council for the associated onshore works. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works.
- 2.3.2 The Scottish Ministers advise that the EIA Report must explicitly detail the licensable marine activities to be carried out below Mean High Water Springs ("MHWS") as part of the Proposed Works and identify which activities overlaps with Comhairle nan Eilean Siar Council's remit.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

- 2.4.1 There is a lack of detail provided in respect of design of the Proposed Works and the methodology. The Applicant has not included any quantities, or estimation of quantities of materials to be used in the construction activities. If any of these are unknown at the time of application, maximum estimates should be provided. The Scottish Minister's advice can only be based on the information provided.
- 2.4.2 The Scottish Ministers note that the Applicant proposes to dredge approximately 111,600 m³ of material as part of the Proposed Works, with the material to be considered for use as beach recharge within the Proposed Works. The Applicant must consider the worst-case scenario should the dredge material be considered unsuitable for beach recharge use, require to be deposited at sea (subject to no contamination issues being found) and all beach recharge material being sourced from alternative locations and transported to site. If any deposit of dredged material at sea is proposed, a full justification for this must be provided. The impacts from the selected use of the dredged material must be detailed in the

application and the Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered.

- 2.4.3 The Scottish Ministers note that whilst the Scoping Report refers to operational maintenance of the scheme there is limited information as to what this entails. The EIA Report should detail clearly what the operational management of the site will consist of and the potential impacts upon receptors identified in the Scoping Report.

Design Envelope

- 2.4.4 The Scottish Ministers advise the Applicant to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant will apply a worst case scenario.
- 2.4.5 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. 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. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the applications for the marine licences and the accompanying EIA Report.
- 2.4.6 The Scottish Ministers will determine the applications based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may 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 7 below regarding multi-stage regulatory approval. 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.
- 2.4.7 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.4.8 The EIA Regulations require that the EIA Report include ‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers acknowledge section 1.5 of the Applicant’s Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further.
- 2.4.9 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in section 5 of this Scoping Opinion.

3.2 EIA Scope

3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.

3.2.2 Where the Applicant has provisionally scoped in receptors in the Scoping Report and the Scottish Ministers have agreed in Section 5 that they should be scoped in for further assessment then these receptors must be included in the EIA Report.

3.3 Mitigation and Monitoring

3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.

- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Works to major accidents and disasters. The Applicant should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment (“IEMA”) ‘Major Accidents and Disasters in EIA: A Primer’, to better understand the likelihood of an occurrence and the Proposed Works susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Works to a potential accident or disaster and also the Proposed Works potential to cause an accident or disaster.
- 3.4.2 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 3.4.3 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.
- 3.4.4 The Proposed Works are within proximity of a Ministry of Defence Exercise Area and this should be taken into consideration within the EIA Report. The Applicant is directed to the Comhairle nan Eilean Siar Council representation for further detail.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 08 January 2024. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- **NatureScot**
- **Maritime and Coastguard Agency (“MCA”)**
- **Northern Lighthouse Board (“NLB”)**
- **Scottish Environment Protection Agency**
- **Comhairle Nan Eilean Siar**
- **Historic Environment Scotland (“HES”)**
- North Uist Community Council
- UK Chamber of Shipping
- The Crown Estate Scotland
- **Ministry of Defence**
- Fisheries Office Stornoway
- Health and Safety Executive
- Hebridean Whale and Dolphin Trust
- Marine Safety Forum
- National Trust for Scotland
- Royal Yachting Association
- **Outer Hebrides Fisheries Trust**
- Scottish Fishermen’s Federation
- Scottish Fishermen Association
- **Scottish Water**
- Visit Scotland
- Whale and Dolphin Trust

4.1.2 Specific advice was sought from the Marine Directorate – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

4.2 Responses received

4.2.1 From the list above a total of 9 responses were received. Advice was also provided by MAU and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MAU and TS must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Biodiversity and nature conservation

5.2.1 The Applicant has considered the potential impacts on the designated sites within the vicinity of the Proposed Works, for both construction and operation phases in Section 4 of the Scoping Report and summarised in Table 13.1. The Applicant has scoped biodiversity and nature conservation in for both construction and operational phases. The Applicant proposes that there will be no impacts to the Loch Bee SSSI Machair feature and accordingly has scoped this out.

5.2.2 The Scottish Ministers highlight the NatureScot representation stating the source of the proposed seaweed to be used for dune management should be considered to ensure that there are no impacts on local foraging bird food availability.

5.2.3 The Scottish Ministers agree with the elements to be scoped in and out of further assessment in the EIA Report and refer the Applicant to the NatureScot representation for further detail on the contents of the biodiversity and nature conservation chapter.

5.3 Geomorphology and Coastal Processes

5.3.1 The Applicant has considered the potential impacts on the Geomorphology and Coastal Processes within the vicinity of the Proposed Works, for both construction and operation phases, in Section 5 of the Scoping Report and summarised in Table 13.1. The Applicant proposes to scope in impacts to Ardivachar to Stonebridge and Borge Geological Conservation Review ("GCR") designations, impacts to the salinity and hydrological regime of Loch Bee (SSSI, SPA and RAMSAR site) and impacts to habitat and species supported by Gualan Island for further assessment in the EIA Report for the construction phase and provisionally for the operation phase.

5.3.2 Comhairle nan Eilean Siar state that both GCR designations should be scoped in for further assessment. However, NatureScot advise that as the

proposed dune management would work with natural processes within the range of natural variability and that historically, coastal retreat in the area has been minor, the Borve GCR can be scoped out of further assessment. The Scottish Ministers agree with NatureScot and advise that impacts to the Borve GCR can be scoped out.

- 5.3.3 With the exception of the Borve GCR, the Scottish Ministers agree, with the elements to be scoped in for further assessment. Where receptors have been provisionally scoped in, the Scottish Ministers advise, that these must be included in the EIA Report.

5.4 Water Environment and Flood Risk

- 5.4.1 The Applicant has considered the potential impacts on the Water Environment within the vicinity of the Proposed Works, for both construction and operation phases, in Section 6 of the Scoping Report and summarised in Table 13.1.

- 5.4.2 The Scottish Ministers agree with the elements to be scoped in and out of further assessment in the EIA Report. Where receptors have been provisionally scoped in, the Scottish Ministers advise, that these must be included in the EIA Report.

5.5 Historic Environment

- 5.5.1 The Applicant has considered the potential impacts on the Historic Environment within the vicinity of the Proposed Works, for both construction and operation phases, in Section 7 of the Scoping Report and summarised in Table 13.1. The Applicant proposes to scope in potential impacts to unknown archaeological remains during the construction phase of the Proposed Works. Impacts to Listed Buildings are provisionally scoped in for the construction phase. Scheduled Monuments have been scoped out of further assessment.

- 5.5.2 The Scottish Ministers agree with the elements to be scoped in and out of further assessment in the EIA Report. This is supported by the HES and Comhairle nan Eilean Siar representations. Where receptors have been provisionally scoped in, the Scottish Ministers advise, that these must be included in the EIA Report.

5.6 Landscape and Visual

- 5.6.1 The Applicant has considered the potential impacts on the Landscape and Visual amenity of the Proposed Works, for both construction and operation phases, in Section 8 of the Scoping Report and summarised in Table 13.1.

Temporary effects upon visual receptors and landscape character from construction activities and permanent effects to landscape character have been scoped in for the construction and operational phase.

- 5.6.2 The Scottish ministers agree with the elements scoped in for further assessment in the EIA Report.

5.7 Population and Human Health

- 5.7.1 The Applicant has considered the potential impacts on population and human health in Section 9 of the Scoping Report and summarised in Table 13.1. The Applicant has scoped various receptors in and out for both phases based on the receptor and the perceived impact of the Proposed Works. It is concluded that the impacts of the Proposed Works on the operational phase are unlikely to be significant due to the design and natural elements of the proposal.

- 5.7.2 The Scottish Ministers agree with the information provided in the Scoping Report with regards to the elements of population and human health to be scoped in and out of further assessment within the EIA Report.

5.8 Climate Change

- 5.8.1 The Applicant has considered the potential impacts on climate change during the construction and operation phases of the Proposed Works in Section 10 of the Scoping Report and summarised in Table 13.1. The Applicant proposes to scope in Greenhouse Gas (“GHG”) emissions and impacts relating to climate change adaptation and resilience for the construction and operational phases of the Proposed Works.

- 5.8.2 The Scottish Ministers are mindful that GHG emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment (“LCA”) approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction,

operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works.

- 5.8.3 The Scottish Ministers agree with the elements to be scoped in for further assessment within the EIA Report.

5.9 Construction Related Effects (Traffic, noise, dust, light etc)

- 5.9.1 The Applicant has considered the potential impacts of construction related effects during the construction phase of the Proposed Works in Section 11 of the Scoping Report and summarised in Table 13.1. The Applicant has scoped construction related effects in for the construction phase due to there being the potential for disturbance of ecological receptors during construction.

- 5.9.2 The Scottish Ministers note that the MCA have expressed their interest in how the works will be undertaken for both construction and recharge and the potential use of vessels for delivery or access. MCA also note there is a lack of clarity on any alterations to navigable depth or obstruction of navigation ways within the intertidal area. The Applicant may wish to consider engaging with the MCA on this receptor further.

- 5.9.3 The Scottish Ministers agree that construction related effects of traffic and transport and noise and vibration (disturbance to ecological receptors) during the construction phase should be scoped in for further assessment within the EIA Report. The Scottish Ministers also agree that there is no requirement for stand-alone chapters on air quality, lighting, material assets as these topics will be covered sufficiently in other areas of the EIA report.

- 5.9.4 The Scottish Ministers agree that any heat and radiation effects can be scoped out due to the nature of the works and construction materials and methods.

5.10 Cumulative Effects

- 5.10.1 The Applicant has noted in the Scoping Report the requirement for the potential impacts of cumulative effects during the construction and operation phases of the Proposed Works to be undertaken and detailed this in Section 12 of the Scoping Report and summarised in Table 13.1. The Applicant has scoped cumulative effects in for both the construction and operational phases due to there being the potential for a new housing development adjacent to the Proposed Works.

5.10.2 The Scottish Ministers agree that cumulative effects impacts during the construction and operational phases should be scoped in for further assessment within the EIA Report.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This assessment must be coordinated with the EIA in accordance with the 2017 MW Regulations.
- 6.1.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Regulatory Approval

7.1 Background

- 7.1.1 The 2017 MW Regulations contain 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 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.
- 7.1.2 The definition in the 2017 MW Regulations 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”.
- 7.1.3 A marine licence, if granted, by the Scottish Ministers for the Proposed Works, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage approval the Applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 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 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

Peter Sparrow

24 May 2024

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

From: [REDACTED]
To: [Claire Crookston](#)
Cc: [REDACTED]
Subject: SCOP-0038: South Ford Flood Risk Management Scheme
Date: 11 April 2024 15:15:00
Attachments: [Outlook-gildihjv](#)

Good Afternoon Claire

Comhairle nan Eilean Siar generally agrees with the proposed scope of the EIA.

In reference to the Geomorphology and Coastal Processes Chapter, it is noted therein that the removal of intertidal sand from South Ford has the potential to alter in-flow and out-flow rates to Loch Bi. This has the potential to change the salinity levels of Loch Bi, the maintenance of which is one of the Management Objectives of Loch Bee SSSI and the Local Biodiversity Action Plan. We are therefore of the view that this should form part of the scope of the EIAR rather than identified for provisional inclusion. Given the importance of Loch Bi, we are of the view that Impacts on Water Quality of the SAC, SPA, RAMSAR and SSSI through sediment disturbance and increased turbidity during recharge should also be scoped in rather than identified for provisional inclusion. The potential impact noted within the scoping report upon the two GCR sites (Borve & Ardivachar to Stoneybridge) should also be firmly scoped in rather than identified for provisional inclusion. To maintain the condition and extent of the geomorphology of the site is also a management objective of the Loch Bee SSSI.

In addition to the above, we would however note that Risk of Accidents has not been included within the Scoping Report. The site is within the Military Exercise Area/Danger Area associated with the Ministry of Defence Hebrides Range. This range is used for testing a variety of weapons and also regularly utilised in Military Exercises taking place offshore. There is an elevated risk, therefore, of unexploded ordnance and other apparatus having been washed up in this area. In addition, the 3km constraint buffer in the Scoping Report overlaps with the HSE Explosive License Site at South Ford. We are therefore of the view that the above should be included in a Risk of Accidents/Health and Safety chapter within the EIAR.


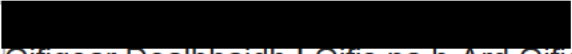


It is agreed that impacts to unknown archaeological remains should be included, but we would highlight the following comments raised by our Archaeology Service. The tidal area behind the dune system (to the east) would have been dry land at some point in the past, making it a likely area to have been previously exploited. Additionally, both the wind derived deposits that make up the machair dunes of Gualan Island and the sedimentary deposits from within the marine zone, have the potential to contain unknown buried archaeological features of either terrestrial or maritime origin. Furthermore, there is a potential for buried material that originated from the South Uist Range. It is recommended that mitigation for unexpected archaeological remains should be put in place, through the Protocol for Archaeological Discoveries.

Thank you for the opportunity to make comment and apologies for our delay in

responding.

Regards



 
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*Ag Obair Comhla airson na h-Eileanan Siar **COMHAIRLE NAN EILEAN SIAR** Working Together for the Western Isles*

Note: The ICT systems of Comhairle nan Eilean Siar were subject to a criminal cyber-incident on 7 November 2023. The incident has had some impact on the delivery of Planning and other services.

Key information relating to planning applications can be accessed on the interim website of the Comhairle. Planning applications and appeals can be submitted online at the eDevelopment.scot website.

Please use the enquiry form to make an appointment or request advice.

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Maritime &
Coastguard
Agency

Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: SCOP-0038 Comhairle nan Eilean Siar

13 February 2024

Via email: <mailto:md.marinelicensing@gov.scot>

Dear Neil

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“the MW EIA Regulations”)**

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

Thank you for the opportunity to comment on the South Ford and Gualan Environmental Impact Assessment Scoping Report.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine (Scotland) Act 2010 and/or Marine and Coastal Access Act 2009 before carrying out any marine licensable works.

We note the project in South Ford, a tidal inlet in the Outer Hebrides, includes (but is not limited to):

- Recharge of the Gualan Island shingle ridge, using sediment from areas of accretion at the north end of Gualan Island and within the South Ford basin
- Construction of a flood protection bund at Liniolate
- Implementation of dune management measures on the Liniolate dune system

I can confirm that the MCA has no concerns to raise at this stage with regards to shipping, safe navigation and impact on other mariner users. We note that the works are close inshore and in the intertidal area. We would however have an interest in how the works will be undertaken and the method for recharge and construction of the flood protection. For example, would access and material delivery for the works be via the sea by vessel or from the shore side? Would this involve anything which may obstruct or impede vessels navigating the intertidal area? And do the works involve any changes to navigable depth for any vessels operating in the area?

From the information provided it appears that the works are close in shore where the impact on vessel activity is likely to be minimal and therefore, we would be content on this occasion that any risks to vessels can be mitigated through suitably worded conditions and advisories at formal marine licence application stage. We would expect the applicant to consider the above at formal marine licence application stage.

We hope you find this information helpful at scoping stage.

Yours sincerely,

[Redacted signature]

[Redacted name]

Marine Licensing Project Lead
UK Technical Services Navigation


From: [REDACTED]
To: [Neil MacLeod](#); [MD Marine Licensing](#)
Subject: 20240115 SCOP-0038 Scoping opinion South Ford flood risk management scheme, Comhairle nan Eilean Siar (per JBA Consulting) - South Ford and Gualan
Date: 15 January 2024 16:19:55
Attachments: [image001.png](#)

Good afternoon Neil

Thank you for your email below regarding SCOP-0038 Scoping opinion South Ford flood risk management scheme, Comhairle nan Eilean Siar (per JBA Consulting) - South Ford and Gualan). After our review, I can confirm that the MOD has no objections regarding this activity.

Kind regards

[REDACTED]
[REDACTED] | Assistant Safeguarding Officer
Defence Infrastructure Organisation
Estates | Safeguarding
DIO Head Office | St George's House | DMS Whittington | Lichfield | Staffordshire | WS14 9PY
Skype: [REDACTED] | Mobile: [REDACTED] | email:
[REDACTED]@mod.gov.uk

 Please consider the environment before printing this e-mail

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

Sent: 08 January 2024 22:50

Cc: MD.MarineLicensing@gov.scot

Subject: SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan - Scoping Consultation Request - Response Required by 19th February 2024

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)
CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Comhairle nan Eilean Siar has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14 of the MW EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping - South Ford Flood Risk Management Scheme - South Ford and Gualan | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (“EIA”) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies. Please submit your response electronically to md.marinelicensing@gov.scot by 19 February 2024. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to any proposed marine licence applications and not the onshore elements of the works.

Kind regards,
Neil Macleod

Marine Licensing Casework Manager

Marine Directorate – Licensing Operations Team

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

General Email: MS.marinelicensing@gov.scot Mobile: 07787220819

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



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Claire Crookston
Licensing Officer
Licensing Operations Team
Marine Scotland
Aberdeen
AB11 9DB

13 March 2024

Your ref: SCOP-0038

Dear Claire,

SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan - Scoping Consultation Request

Thank you for your consultation on the above proposal.

NatureScot Advice – EIA scoping advice

1. Protected sites:

1.1 South Uist Machair & Lochs Special Protection Area (SPA)

The proposal is close to the South Uist Machair & Lochs SPA protected for its populations of breeding corncrake, breeding waders and wintering waders.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Comhairle nan Eilean Siar is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the [legislative requirements](#).

The proposal will involve the movement of significant quantities of sand from both the spit to the North of the Gualan and South Ford Basin. While these areas are not within the SPA it is c300m away. The Gualan regularly support breeding oystercatcher, ringed plover and little tern which are all SPA features. The South Ford Basin area will be used for feeding and roosting by both wintering and breeding waders of the SPA. **Impacts on these SPA features should be scoped in.** They should also be carefully considered through the a Habitats Regulations Appraisal, particularly if works are carried out during the breeding period.

- There is no connectivity between the proposed works and the **South Uist Machair Special Area of Conservation (SAC) – consideration of this site can be scoped out.** We also advise that significant effects are not likely for **Aird & Borve SPA and West Benbecula Lochs SSSI – this site can be scoped out.**

1.2 Loch Bee Site of Special Scientific Interest (SSSI)

The removal of inter-tidal sand from South Ford has the potential to alter in-flow out-flow rates at the clachan inlets to Loch Bee. This could result in rapid changes to salinity levels affecting the saline lagoon feature, with possible flushing out of lagoon specialist species. **Impacts to the saline lagoon feature of the Loch Bee SSSI should be scoped in.**

1.3 Lùib Bhàn Designated Seal Haul-Out site

The northern half of Gualan islands lies within the above designated seal haul-out. Seal Haul outs are designated under section 117 of the Marine (Scotland) Act 2010. Under the act harassing a seal (intentionally or recklessly) at a seal haul-out is an offence. Further information on these sites can be found on the [Scottish Government Website](#). The proposed works have the potential to cause harassment to seals particularly during moulting and pupping. **We advise that impacts on this seal haul out are scoped in.**

2. Protected species

2.1 Little tern

Little tern are known to nest on the Gualan and are listed on Schedule 1 under the Wildlife and Countryside Act 1981. It is an offence to disturb a Schedule 1 species, details can be found at this link <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-birds>.

The proposed works, if carried out during the breedings season for this species, are likely to cause disturbance and/or destruction of nests. **We advise impacts on little tern are scoped in.**

3. Geomorphology

3.1 Ardivachar to Stonebridge Geological Conservation Review (GCR)

The northern margins of Ardivachar to Stoneybridge GCR site (not designated as SSSI) are part of the integrated coastal system of the South Ford. The proposed re-shaping of the Gualan is, in most marine conditions, located down-coast of this site, and unlikely to affect it. However, the proposed sand extraction is immediately adjacent to the site and could alter tidal flow between the Balgarva shore and the Gualan. It's possible that any change in coastal processes would be well within natural variability, but this would need to be investigated. **We advise that impacts on Ardivachar to Stoneybridge GCR site are scoped in.**

3.2 Gualan Island

The Gualan was previously identified as nationally important for its coastal geomorphology. It represents the active later stages in the 'drowning' of a machair landscape, making it key to understanding future sea-level rise.

The Gualan is a dynamic landform complex that is evolving naturally, in tandem with the intertidal areas flanking it. The proposed re-shaping is specifically designed to substantially alter the geomorphological regime, slowing the likely fragmentation of the dune/shingle ridge. We welcome the fact that the proposal will work with natural processes to 'recycle' sediment within the system - i.e. erosion could return much of the excavated sediment fairly readily to its source (either the spit-head or the South Ford). There are however exceptions to this:

- the excavated sand used in the proposed Liniclate flood bund would be removed from the coastal system for some decades at least, i.e. the long-term.
- the 'core' of sandbags would, as designed, last longer than the sediment used for re-shaping. Eventually, continuing erosion on the seaward side is likely to lower the beach sufficiently to dismantle the sandbags, allowing natural evolution of the Gualan to re-establish. It is very difficult to anticipate the timescale for this, but it might take some decades.

Considering the magnitude of these changes to the geomorphology, and the sensitivity of the Gualan's (non-designated) geomorphology interest, **we advise that impacts on the Gualan are scoped in.**

3.3 Borve Geological Conservation Review (GCR)

- Borve GCR site (not designated as SSSI) is ca.400m from the W end of the proposed Liniclate dune management. Gradual marine erosion of the intertidally-exposed deposits that make up the Quaternary of Scotland interest is an accepted aspect of this site. However, any intervention that reduces coastal sand transport from adjacent areas could potentially accelerate the erosion, damaging the interest.
-
- The proposed dune management would work with natural processes largely within the range of natural variability. Also, the area of the works is down-coast of the GCR site in all but rare marine conditions (borne out by the fact that the last 115 years saw radical coastal retreat at Liniclate but only minor changes to the Borve coast). On this basis we can **advise that impacts on Borve GCR site are scoped out.**
-
- Additional comments
- The Gualan scheme is designed for flood-risk management as one of the recommendations within the Hydrodynamics Study. The study (p13) also recommended that works as those proposed should be accompanied by a bespoke assessment of:
 - any effects of the proposed sediment excavations on flood risk, by altering the hydro-morphology of the South Ford and adjacent coasts;
 - how long the re-shaped ridge might perform before the failure of the sand-bag core, and fragmentation of the Gualan ridge again is likely. This would need to be informed by recent data on coastal change rates.
- If an assessment of this type was robustly undertaken, the findings could be directly applied to assess effects on the coastal geomorphology interests, with very little additional work. NatureScot would be willing to work with CnES and Dynamic Coast colleagues to develop such an assessment.
- Given that erosion is likely to continue and remove much of the re-shaped ridge, it is quite possible that the Gualan works will need to be repeated. If delivery of this scheme depends on it being repeated it should be scoped and assessed on that basis, whether through EIA or not.

Dune Management measures within the scoping addendum, paragraph 3.3.11 outlines the use of seaweed deposits. If these deposits are sourced from outwith the development area then impacts on the source area need to be carefully considered in terms of increased vulnerability to coastal erosion and wintering and breeding waders (seaweed deposits are important food source).

The scoping document makes reference to National Planning Policy Framework 3 (NPF3), this has been superseded by NPF4. NPF4 sets out new requirements for delivering positive effects for biodiversity under policy 3. In particular policy 3b states that developments requiring EIA will only be supported where it can be demonstrated that they will conserve, restore and enhance biodiversity. How this will be achieved should be clearly set out within any EIA report.

I hope you find these comments helpful. If you need any further information please let me know.

Yours sincerely,


Operations Officer, West

Stilligarry, Isle of South Uist, HS8 5RS
Stadhlaigearraidh, Uibhist a Deas, HS8 5RS

07881853627 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

Stilligarry, Isle of South Uist, HS8 5RS
Stadhlaigearraidh, Uibhist a Deas, HS8 5RS

07881853627 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage



Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: SCOP-0038
Our Ref: GB/ML/W2_01_199

Mr Neil Macleod
Marine Licensing Casework Manager
Licensing Operations Team - Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

12 February 2024

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("THE MW EIA REGULATIONS") & CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

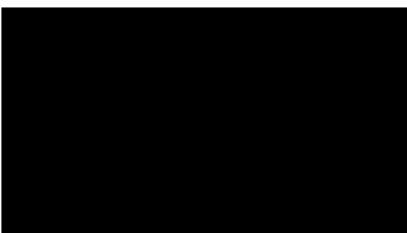
SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan

Thank you for your e-mail correspondence dated 8th January 2024 regarding the scoping report submitted by Comhairle nan Eilean Siar (per JBA Consulting) relating to the proposed flood risk management scheme at South Ford and Gualan Island, South Uist.

We note that navigation is not included in the scoping report due to the area and nature of the proposed flood management scheme.

Northern Lighthouse Board are content with the proposed EIA scoping report.

Yours sincerely



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From: [REDACTED]
To: [MD Marine Licensing](#)
Cc: [REDACTED]
Subject: SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan - Scoping Consultation Request - Response Required by 19th February 2024
Date: 05 February 2024 15:20:57
Attachments: [image001.png](#)

Dear Marine licensing,

The Outer Hebrides Fisheries Trust are content that Loch Bee (water chemistry/Turbidity and Disturbance) has been scoped into the EIA and have no further comments.

Kind regards, [REDACTED]

[REDACTED] | Senior Biologist

Outer Hebrides Fisheries Trust | The Sawmill | Marybank | Isle of Lewis | HS2 0DD

E: biologist@ohft.org.uk T: 01851 703419

www.outerhebridesfisheriestrust.org.uk

Tuesday, 09 January 2024



Marine Licensing
375 Victoria Road

Aberdeen

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

**South Ford Flood Risk Management, Gualan Balgarva, lochdar
Western Isles, HS8 5RB
Planning Ref: SCOP-0038
Our Ref: DSCAS-0101180-KFB
Proposal: Flood Risk Management Scheme**

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,



Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

██████████
Planning Department
Comhairle nan Eilean Siar

Our Ref: 10347
Your Ref: 23/00378/SCO_L

By email only to: planningconsultations-ben@cne-siar.gov.uk

SEPA Email Contact:
planning.north@sepa.org.uk

19 September 2023

Dear ██████████

Proposed South Ford Flood Risk Management Scheme
Coastal works - Gualan Island South Ford Creagorry Isle of Benbecula

Thank you for consulting SEPA on 31 August 2023 for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development. We are supportive of the aim of the works which should reduce local flood risk in accordance with The Outer Hebrides Flood Risk Management Strategy.

Advice for the planning authority

We provide the following advice on the development and scope and level of detail required in the EIA which we note will cover both marine and terrestrial issues.

1. National Planning Framework 4

1.1 National Planning Framework 4 (NPF4) was published in February 2023 and as a result section 1.7 of the scoping report is out of date. Any proposals should meet the requirements of NPF4 and SEPA's advice and position will be based on this newer policy framework. Further consideration may require to be given to issues such as updated



Chairman
Bob Downes

OFFICIAL **CEO**
Nicole Paterson

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Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

climate change predictions, biodiversity and environmental enhancements.

- 1.2 For your information our guidance is being reviewed and updated to reflect the new policies; so some parts of it might be slightly out of date and be updated further in the future.

2. Impacts on the marine environment

- 2.1 An assessment of any impacts of the works on existing discharges in the area should be made and mitigation proposed, if required. Requests for existing Controlled Activities Regulations authorisations in the area should be directed to our registry department at registry@sepa.org.uk. We also recommend that Scottish Water is consulted direct.
- 2.2 We do not provide site specific advice in relation to impacts on the marine environment that do not relate to issues that we directly regulate. You should take advice from Marine Scotland in relation to this issue and also ensure Nature Scot is consulted on the proposals. You and the developer should follow our marine standing advice, which is available at: [lups-gu13.pdf \(sepa.org.uk\)](#).

3. Flood risk

- 3.1 We are content with the proposed approach in relation to the assessment of flood risk. It should be shown that the works do not result in any unintentional increases in flood risk to any sensitive receptors.
- 3.2 We can confirm that we do not hold any additional relevant flood risk information beyond that which is already held by CnES and JBA.

4. Pollution prevention and environmental management

- 4.1 We welcome the proposal to include a schedule/summary of mitigation, which should include reference to best practice pollution prevention and construction techniques. Please refer to the [Guidance for Pollution Prevention](#) (GPPs).


5. Regulatory advice for the applicant

- 5.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, 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

local compliance team at: AHSH@sepa.org.uk

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely


Senior Planning Officer
Planning Service

Ecopy to: 

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 - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

Neil Macleod
Marine Directorate
375 Victoria Road
Aberdeen
AB11 9DB

md.marinelicensing@gov.scot

Your ref:
SCOP-0038

Our ref:
GB01T19K05

Date:
15/02/2024

Dear Sirs,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“the MW EIA Regulations”)**

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

SOUTH FORD FLOOD RISK MANAGEMENT SCHEME - SOUTH FORD AND GUALAN

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report prepared by JBA Consulting in support of the above development.

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

Proposed Development

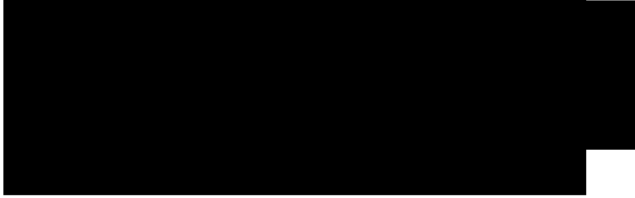
The South Ford Flood Risk Management Scheme comprises a coastal protection scheme located in South Ford, between the islands of South Uist and Benbecula. The nearest trunk road to the site is the A87(T) at Uig, which lies some 60km to the northeast.

Assessment of Environmental Impacts

Given the nature of the proposal and the fact that there are no trunk roads on either South Uist or Benbecula, Transport Scotland is satisfied that the proposed development will have no perceivable impact on the trunk road network and we can, therefore, confirm that no further information is required in this regard.

I trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact me at the number above or alternatively, Alan DeVenny at SYSTRA’s Glasgow Office who can be contacted on 0141 343 9636.

Yours faithfully



**Transport Scotland
Roads Directorate**

cc 



By email to:

MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300070347
Your ref: SCOP-0038
19 February 2024

Dear Marine Directorate

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
South Ford Flood Risk Management Scheme - South Ford and Gualan
Scoping Report**

Thank you for your consultation which we received on 08 January 2024 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, [REDACTED] and designed landscapes, inventory [REDACTED] and historic marine protected areas (HMPAs). As this is scoping request under the Marine Works (EIA) (Scotland) Regulations 2017, we have also considered undesignated marine historic environment assets.

The Western Isles 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

We understand that the proposed development comprises the recharge of the Gualan islands shingle ridge for a distance of 950m and a width of 10m, up to a height of 6m AOD; construction of a flood protection bund of c.300m length at Lionacleit up to 4m AOD and c.12m wide at base; dune management of Liniclate dune system over c. 1.2km of coastline; and sediment extraction (up to 111,600m³) at two locations.

Scope of assessment

We have reviewed the scoping report for our interests and, while we welcome the inclusion of the historic environment in the proposed EIA, we have the following concerns:

1. Policy and Guidance



The Scoping Report refers to Scottish Planning Policy and NPF3, rather than NPF4. No mention is made of historic environment legislation or guidance in the introductory section on legislation. The section on legislation, policy and guidance should also refer to the following, which are applicable to the historic environment:

Legislation:

[The Ancient Monuments and Archaeological Areas Act 1979](#)

[The Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#)

[The Historic Environment Scotland Act 2014](#)

[The Protection of Military Remains Act 1986](#)

Policy:

[Historic Environment Policy for Scotland \(HEPS\)](#)

[National Planning Framework 4 \(NPF4\)](#)

[Our Past, Our Future \(OPOF\)](#)

[UK Marine Policy Statement](#)

Guidance:

[Planning Advice Note 2/2011: Planning and archaeology](#)

[Environmental Impact Assessment Handbook](#)

[Managing Change Guidance](#), particularly advice on [Setting](#)

[Our Regulatory Framework](#)

[Crown Estates – Model Clauses for Archaeological Written Schemes of Investigation](#)

[Crown Estates – Protocol for Archaeological Discoveries: offshore renewables projects](#)

This latter guidance may be helpful although it is orientated primarily towards offshore renewables projects.

2. *Sources of information*

The historic environment is considered at section 7 of the report, which states that a preliminary desk-based assessment has taken place. However, it is not clear what information sources have been used for this assessment. We would expect that the following sources should be consulted for a marine desk-based assessment:

The Western Isles Historic Environment Record

United Kingdom Hydrographic Office

National Record of the Historic Environment (Canmore)

HES' Scheduled Monuments (including protected wrecks)

Scottish Government (Marine Directorate)'s protected wrecks

GeoIndex (offshore) maintained by the British Geological Survey (BGS)

Admiralty charts as relevant

Existing archaeological and published sources

3. *The undesignated historic environment.*

The proposed development area is largely within the intertidal zone, an area which has been inundated by rising sea level since prehistory. The issue of marine transgression has not been identified and discussed in the scoping report. The



areas that have been identified for sediment extraction lie in a landscape that has been significantly impacted by erosional and depositional processes over many thousands of years while relatively recent map evidence indicates major changes over the last 200 years. There is the potential for the discovery of significant archaeological deposits in the inter-tidal areas identified for sediment extraction, whether settlement or burial remains (eg Hornish Point (Canmore ID 9913), paleoenvironmental deposits (eg [SCAPE ID 13304](#)) or maritime remains such as the remains of vessels lost at sea (e.g. Canmore ID 295662).

While 'unscheduled archaeology' is listed as a receptor of low sensitivity, there is no indication that any assessment of the potential for new discoveries has been proposed, nor an indication that a Written Scheme of Investigation and a Protocol for Archaeological Discoveries will be in place should any significant discoveries arise. It is unclear what methods will be used for sediment extraction and appropriate mitigation measures will have to take account of the method used.

4. *The designated historic environment*

The report states that it considers historic environment assets within 3km of the proposed development (7.1.1). However, there are a number of designated assets within the 3km study area have not been identified in the report. The assets which should have been considered are:

Borve C () and **Teampull Bhuirgh, chapel and settlement (SM6007)** are situated within 800m of the Liniclate dune system and about 2km from the proposed new bund to the SE (i.e at the other side) of Liniclate village. There will be no direct impact upon either monument, and any impact on setting is unlikely to be significant enough to warrant an objection.

Dun Buidhe, broch, Eochdar (SM5117) is situated about 500m S of the suggested area of sediment extraction and about 1km S of the part of Gualan island that will be built up. There will be no direct impact upon the monument and any impact on setting is unlikely to be significant enough to warrant an objection.

Dun Uiselan, dun and causeway (SM5120) is situated about 900m SE of the suggested area of sediment extraction and about 1.3km SE of the part of Gualan that will be recharged. There will be no direct impact upon the monument and any impact on setting is unlikely to be significant enough to warrant an objection.

[EOCHAR BUALADUBH MRS JOHNSTONE \(COTTAGE TO NORTH OF FORMER MUSEUM\) \(LB19908\) \(historicenvironment.scot\)](#) this is a Category A listed building, a single-storey thatched cottage which is around 2km from the proposed works. We are content that there would be no significant impacts on this asset.



Our Opinion

The applicants propose to scope out scheduled monuments from further assessment in the EIA (7.2.2). Having considered the proposals, we agree that designated historic environment assets can be scoped out of further assessment in the EIA. However, we consider that the potential impacts on the undesignated historic environment should be further assessed, and if these are scoped out, a written justification for this should be provided in the EIA Report.

This is our opinion on the proposals as currently presented to us. If the design of the development changes, it may be necessary to consult Historic Environment Scotland again.

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://www.engineshed.scot/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is [REDACTED], who can be contacted by email on [REDACTED]@hes.scot.

Yours faithfully

Historic Environment Scotland

From: [REDACTED]
To: [Neil MacLeod](#)
Cc: [REDACTED]
Subject: RE: SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan - Scoping Consultation Request - Response Required by 19th February 2024
Date: 16 February 2024 14:58:01
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image001.png](#)

Hi Neil,

Thanks for sharing the report. The South Ford Flood Risk Management Scheme scoping report indicates they will scope out the socio-economic impacts of this project. The Marine Analytical Unit agrees with this assessment.

Regards,

[REDACTED]



[REDACTED]

Assistant Economist

Marine Directorate

Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ

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

Sent: Monday, January 8, 2024 10:50 PM

Cc: MD Marine Licensing <MD.MarineLicensing@gov.scot>

Subject: SCOP-0038 -Comhairle nan Eilean Siar (per JBA Consulting) - South Ford Flood Risk Management Scheme - South Ford and Gualan - Scoping Consultation Request - Response Required by 19th February 2024

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)
CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Comhairle nan Eilean Siar has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14 of the MW EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping - South Ford Flood Risk Management Scheme - South Ford and Gualan | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (“EIA”) Report to be submitted by the applicant with their proposed marine licence applications, **please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works.** In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies. Please submit your response electronically to md.marinelicensing@gov.scot by 19 February 2024. If you are unable to meet this deadline, please contact us as soon as

possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to any proposed marine licence applications and not the onshore elements of the works.

Kind regards,

Neil Macleod

Marine Licensing Casework Manager

Marine Directorate – Licensing Operations Team

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

General Email: MS.marinelicensing@gov.scot Mobile: 07787220819

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



Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
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