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

### **Caledonian Maritime Assets Limited (Per Affric) – Tarbert Ferry Terminal Development – Tarbert, Isle of Harris**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017 (as amended) and THE HARBOURS ACT  
1964 (“The 1964 Act”)**

**SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATION  
AND HARBOUR REVISION ORDER (HRO) FOR CONSTRUCTION AND CAPITAL  
DREDGING**

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## 1. Executive Summary

This is the Scoping Opinion adopted by the Scottish Ministers, as to the scope and level of detail of information to be provided in the Environmental Impact Assessment report ('EIA report') for the proposed Ferry Terminal Development at Tarbert, Isle of Harris. The Scoping Opinion has been requested by Affric Ltd on behalf of the applicant, Caledonian Maritime Assets Limited (CMAL), and are herein referred to as 'the applicants'.

This Scoping Opinion is on the basis of the information provided in the applicant's request, dated 24 October 2017 for the Scottish Ministers to adopt a Scoping Opinion. This Scoping Opinion can only reflect the proposal as currently described by the applicant. The matters addressed by the applicant in the Scoping Report have been carefully considered and use has been made of professional judgment and experience in order to adopt this opinion. It should be noted that when it comes to consider the Environmental Impact Assessment Report ("EIA Report") the Scottish Ministers will take account of relevant legislation and guidelines (as appropriate). The Scottish Ministers will not be precluded from requiring additional information if it is considered necessary in connection with the EIA Report submitted with the application for a marine licence.

This Scoping Opinion has a shelf life of 12 months from the date of issue. If an application is not received within 12 months then the applicant must contact the Scottish Ministers to determine whether this Scoping Opinion requires updating.

The Scottish Ministers have consulted on the Scoping Report and the responses received have been taken into account in adopting this Scoping Opinion. The Scottish Ministers are satisfied that the descriptions identified in the applicant's request for a Scoping Opinion encompass those matters identified in regulation 14 of The Marine Works 2017 (as amended).

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

The main potential issues identified are:

- **Air Quality (construction phase only)**
- **Biodiversity and Nature Conservation – marine ecology (construction phase only)**
- **Landscape, Seascape and Visuals**
- **Noise and Vibration (construction phase only)**
- **Traffic, Access and Navigation**
- **Water Quality and Coastal Processes (construction phase only)**



Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Scottish Ministers. The table below details topics proposed to be scoped out within the applicant's request and provides the Scottish Ministers' advice on this. Detailed information is provided in the specialist topic sections.

<b>Topic</b>	<b>Phase</b>	<b>Reason for scoping in / out</b>
<b>Air Quality</b>	Operation	Scoped OUT. Provided a site specific Schedule of Mitigation (SoM), either separate or contained within a Construction Environmental Management Plan (CEMP), is implemented, consultees agree no likely significant impacts.
<b>Climate Change</b>	Construction AND Operation	Scoped OUT. Provided a site specific SoM (either separate or contained within a CEMP) is implemented, consultees agree no likely significant impacts.
<b>Archaeology and Cultural Heritage</b>	Construction AND Operation	Scoped OUT. Lack of vulnerable features in the proposed development area. Providing no archaeological materials are discovered during benthic surveys and the site specific SoM (either separate or contained within a CEMP) are implemented, consultees agree no likely significant impacts.
<b>Biodiversity and Nature Conservation – Marine Ecology</b>	Operation	Scoped OUT. Lack of sensitive receptors and negligible magnitude of effect. Consultees agree no likely significant impacts.
<b>Biodiversity and Nature Conservation – Ornithology</b>	Construction AND Operation	Scoped OUT. Lack of sensitive receptors and negligible magnitude of effect. Consultees agree no likely significant impacts.
<b>Landscape, Seascape and Visuals</b>	Construction AND Operation	Scoped IN. The development is within a NSA and the Local Authority advise it should be scoped in.
<b>Land and Soil Quality</b>	Construction AND Operation	Scoped OUT. Provided site specific SoM (either separate or contained within a CEMP) implemented, consultees agree no likely significant impacts. Marine elements are covered by Water Quality and Coastal

		Processes section.
<b>Population, Human Health and Socio-economics</b>	Construction AND Operation	Scoped OUT. Information regarding air quality (dust) and noise are outlined in Air Quality and Climate Change and Noise and Vibration sections, respectively.
<b>Noise and Vibration</b>	Operation	Scoped OUT. It is unlikely that noise generation will increase significantly from the current baseline. Consultees agree no likely significant impacts.
<b>Natural Resource Usage and Waste</b>	Construction and Operation	Scoped OUT. Provided site specific SoM (either separate or contained within a CEMP) implemented, consultees agree no likely significant impacts.
<b>Water Quality and Coastal Processes</b>	Operation	Scoped OUT. The development is an upgrade to an existing harbour and no significant changes are expected. Consultees agree no likely significant impacts.
<b>Impacts from Major Accidents and Disasters</b>	Construction and Operation	Scoped OUT. The development will not increase likelihood and/or consequence of a major accident occurring. Provided the Operational and Safety Management System will be implemented, consultees agree no likely significant impacts.

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

In summary, the EIA report should demonstrate that key impacts to Air quality, Marine Ecology, Noise and Vibration Water Quality and Coastal Processes in relation to the proposal have been addressed during the construction phases only (scoped in). Impacts to Traffic, Access and Navigation, Landscape, Seascape and Visuals and have the potential during both construction and operational phases and therefore are scoped in.

## **2. Introduction**

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

**2.1.1** We refer to your email of **24 October 2017** requesting a Scoping Opinion from the Scottish Ministers, under Regulation 14 of The Marine Works 2017 (as amended). Your request included a Scoping Report (which can be found at <http://www.gov.scot/Resource/0052/00527761.pdf>) containing a plan sufficient to identify the site which is the subject of the proposed works and a description of the nature and purpose of the proposed works and of its possible effects on the environment. Your request, including Scoping Report, was accepted by the Scottish Ministers on **02 November 2017**.

### **2.2 New Environmental Impact Regulations**

**2.2.1** On the 16 May 2017, the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (herein referred to as “The Marine Works 2017” came into force, transposing the requirements of the 2014 amendment (2014/25/EU) to the Environmental Impact Assessment (“EIA”) directive. The Marine Works 2017 regulations were subsequently amended by The Environmental Impact Assessment (Miscellaneous Amendments)(Scotland) Regulations 2017 which came into force on 30 June 2017 and introduced minor changes.

### **2.3 The requirement for Environmental Impact Assessment**

**2.3.1** Under The Marine Works 2017 (as amended), the Scottish Ministers, as the consenting authority, must not grant a regulatory approval for an EIA project unless an environmental impact assessment has been carried out in respect of that project and in carrying out such assessment the Scottish Ministers must take the environmental information into account. The works described in your Scoping Report fall Schedule 2, paragraph 1(e), 10(g) and 10(m) of The Marine Works 2017 (amended) and the Scottish Ministers concluded in their screening opinion (which can be found at <http://www.gov.scot/Resource/0052/00527760.pdf>) dated 20 September 2017 that the works are an EIA project.

### **2.4 The content of the Scoping Opinion**

**2.4.1** In regards to your request for a Scoping Opinion on the proposed content of the required EIA report, the Scottish Ministers have, in accordance with The Marine Works 2017 (as amended), considered the documentation provided to date and consulted with the appropriate consultation bodies (see Appendix I) in reaching their

## Scoping Opinion.

2.4.2 Please note that the EIA process is vital in generating an understanding of the biological, chemical and physical processes operating in and around the proposed works site and those that may be impacted by the proposed activities. We would however state that references made within the Scoping Opinion with regard to the significance of impacts should not prejudice the outcome of the EIA process. It is therefore expected that these processes will be fully assessed in the EIA report unless scoped out.

### **3. Description of works**

#### **3.1 Background to the works**

3.1.1 The proposal by the applicant to upgrade the Tarbet Ferry Terminal on the South East Coast of the Isle of Harris, will allow access by the new larger ferry proposed by CMAL. The project comprises the following main components:

- Demolition of the existing pier and its subsequent reconstruction and extension using impact piling and concrete
- A parallel motion pier fendering system installed using pile driving
- 13,000m<sup>2</sup> of land reclamation and installation of rock armour
- Back hoe or suction dredging
- Re-use of dredge material as infill during the land reclamation works (if suitable)

## **4. Aim of this Scoping Opinion**

### **4.1 The scoping process**

4.1.1 Scoping provides the first identification, and likely significance, of the environmental impacts of the proposal and the information needed to enable their assessment. The scoping process is designed to identify which impacts will or will not need to be addressed in the EIA report. This includes the scope of impacts to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input into the EIA process, to specify their concerns and to supply information that could be pertinent to the EIA process. In association with any comments herein, full regard has been given to the information contained within the Scoping Opinion request documentation submitted.

4.1.2 The Scottish Ministers have also used this opportunity to provide advice in relation to the licensing requirements in addition to the EIA requirements (see Appendix II)

## 5. Consultation

### 5.1 The consultation process

5.1.1 On receipt of the Scoping Opinion request documentation, the Scottish Ministers, in accordance with The Marine Works 2017 (as amended), initiated a 30 day consultation process, which commenced on 06 July 2017. The following bodies were consulted, those marked in **bold** provided a response, those marked in *italics* sent nil returns or stated they had no comments:

- **Scottish Natural Heritage (SNH)**
- **Scottish Environment Protection Agency (SEPA)**
- **Historic Environment Scotland (HES)**
- **Comhairle nan Eilean Siar (CnES)**
- **Maritime Coastguard Agency (MCA)**
- **The Northern Lighthouse Board (NLB)**
- *The Crown Estate*
- **The Royal Yachting Association (RYA)**
- *Royal Society for the Protection of Birds (RSPB)*
- *The Health and Safety Executive (HSE)*
- *Marine Scotland Fishery Office – Stornoway*
- *Marine Scotland Planning and Policy*
- *Fisheries Management Scotland*
- *British Shipping*
- *UK Chamber of Shipping*
- **Defence Infrastructure Organisation**
- *Marine Safety Forum*
- *Transport Scotland*
- *Whale and Dolphin Conservation*
- *Scottish Fishermans Federation*
- *Scottish Wildlife Trust*
- *Caledonian Maritime Assets Limited*
- *Hebridean Whale and Dolphin Trust*
- *Inshore Fisheries Group*
- *Community Council*

### 5.2 Responses received

5.2.1 A total of nine responses were received. Advice was also sought from Marine Scotland Science (“MSS”). The purpose of the consultation was to obtain advice and guidance from each consultee or advisor as to which potential effects should be scoped in or out of the EIA.

5.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with The Marine Works 2017 (as amended). The sections below highlight issues which are of particular importance with regards to the EIA. Full consultation responses are attached in Appendix I and each should be read in full for detailed requirements from individual consultees. The Scottish Ministers expect all consultee concerns to be addressed in the EIA report unless otherwise stated.



## **6. Contents of the EIA report**

### **6.1 Requirements of The Marine Works 2017 (as amended)**

6.1.1 An EIA report must be prepared in accordance with regulation 6 and contain the information specified in schedule 4 of The Marine Works 2017 (as amended).

6.1.2 The Marine Works 2017 (as amended) require that the EIA Report is prepared by competent experts and must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of those experts.

6.1.3 The EIA report must be based on the Scoping Opinion and must include the information that may be reasonably required for reaching a reasoned conclusion, which is up to date, on the significant effects of the works on the environment, taking into account current knowledge and methods of assessment.

6.1.4 EU guidance on EIA identifies the following qualities of a good EIA Report:

- Includes a clear structure with a logical sequence, for example describing existing baseline conditions, predicted impacts (nature, extent and magnitude), scope for mitigation, agreed mitigation measures, significance of unavoidable/residual impacts for each environmental topic.
- Includes a table of contents at the beginning of the document.
- Includes a clear description of the works consent procedure and how EIA fits within it.
- Reads as a single document with appropriate cross-referencing.
- Is concise, comprehensive and objective.
- Is written in an impartial manner without bias.
- Includes a full description of the work proposals.
- Makes effective use of diagrams, illustrations, photographs and other graphics to support the text.
- Uses consistent terminology with a glossary.
- References all information sources used.
- Has a clear explanation of complex issues.
- Contains a good description of the methods used for the studies of each environmental topic.
- Covers each environmental topic in a way which is proportionate to its importance.
- Provides evidence of good consultations.
- Includes a clear discussion of alternatives.
- Makes a commitment to mitigation (with a programme) and to monitoring.
- Has a Non-Technical Summary (“NTS”) which does not contain technical jargon

- Further guidance can be found at <http://ec.europa.eu/environment/eia/eia-support.htm>

## **6.2 Non-Technical Summary ('NTS')**

6.2.1 The EIA report must contain a NTS which should be concise and written in a manner that is appealing to read and easily understood. The NTS should highlight key points set out in the EIA report and must include (at least) the following:

- a description of the works comprising information on the site, design, size and other relevant features of the works;
- a description of the likely significant effects of the works on the environment;
- a description of the features of the works and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the applicant, which are relevant to the works and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the works on the environment; and
- a summary of the information provided under paragraphs 1 to 9 of Schedule 4 of The Marine Works 2017 (as amended).

## **6.3 Mitigation**

6.3.1 Within the EIA report it is important that all mitigating measures are:

- clearly stated;
- accurate;
- assessed for their environmental effects;
- assessed for their effectiveness;
- fully described with regards to their implementation and monitoring, and;;
- described in relation to any consents or conditions

6.3.2 The EIA report/ should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters. Refer to Appendix I for consultee comments on specific baseline assessment and mitigation.

6.3.3 Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the EIA report:

- the work has been undertaken;
- what this has shown i.e. what impact if any has been identified, and

- why it is not significant?

## **6.4 Design Envelope**

6.4.1 Where flexibility in the design envelope is required, this must be defined within the EIA report and the reasons for requiring such flexibility clearly stated. The applicant must also describe the criteria for selecting the worst case, and the most likely, scenario, and the impacts arising from these. The Scottish Ministers will determine the application based on the worst case scenario. The EIA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement (“CMS”) to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however the information provided in section 10 below regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA report is not exceeded.

## **7. Interests to be Considered Within the EIA Report**

### **7.1 Introduction**

7.1.1 The Scoping Report considered the marine environment under the following headings and topics, these are addressed in turn below.

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

7.1.2 This section also contains a summary of main points raised by consultees and the Scottish Ministers' opinion on whether EIA topics should be scoped in or out. The consultation responses are contained in Appendix I and the applicant is advised to carefully consider these responses and use the advice and guidance contained within them to inform the EIA Report.

7.1.3 The Scottish Ministers are broadly satisfied that the topics identified in the Scoping Report encompass those matters identified in regulation 14 of the Marine Works 2017 (as amended).

### **7.2 Air Quality and Climate Change**

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

7.2.2 Creation of dust during the earthworks and clearing required during the land reclamation works to increase the marshalling area, has the potential to impact vegetation and human health. The dust and emissions mitigation controls will be detailed in a SoM and detailed site plans (as preferred over a CEMP by SEPA), prior to the commencement of construction. No operational impacts are expected on Air Quality and so this aspect is not required as part of the EIA Report.

7.2.3 Current sources of greenhouse gas (GHG) emissions in Tarbert Harbour are likely limited to the existing ferry service and local traffic in the area. The new ferry is likely to have lower emissions as it dual fuel capabilities. The ferry timetable and number of vessel movements is not expected to change and the GHG emissions associated with construction are not anticipated to be significant. In order to reduce GHG emissions during construction, plant and vessels will be appropriately maintained and marshalled vehicles will be requested to switch engines off while waiting. Therefore an assessment of impacts from increased GHG emissions is not required as part of the EIA process.

### **7.3 Archaeology and Cultural Heritage**

There are no known features of archaeological importance within site boundary and as such no significant impacts are expected during the construction or operational phases of the works. Providing no archaeological materials are discovered during benthic surveys, Archaeology and Cultural Heritage can be scoped out of the EIA Report. A protocol for archaeological discoveries will be included within the site specific SoM (either separate or contained within a CEMP) to ensure it is utilised in the event of an archaeological find.

### **7.4 Biodiversity and Nature Conservation**

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

7.4.2 The Tarbert Ferry Terminal Development is located 8.3 km from and is likely to have a significant effect on the Inner Hebrides and the Minches cSAC. The Inner Hebrides and the Minches cSAC is designated for Harbour porpoise (*Phocoena phocoena*). Information should be submitted prior to submitting the EIA Report for a Habitats Regulations Assessment. This will allow MS LOT to respond with a HRA Screening Report, so that the information for the Appropriate Assessment can be provided in the EIA Report.

7.4.3 Limited information is known on the benthic ecology within the area and therefore the sensitivity of the area is also an unknown. The EIA report should include some benthic habitat mapping as part of the assessment. These surveys should involve benthic video transects and grab sampling.

7.4.4 The dredging works, installation of the pier extension and the land reclamation for the extension of the marshalling area will result in the loss of marine habitat for benthic organisms and fish. The pile driving has the potential to cause injury or disturbance to fish and cetaceans through underwater noise emissions.

Additionally, increased boat movements to transport construction materials could cause further disturbance, and could also increase the risk of non-native species being introduced into the area.

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

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

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

## **7.5 Landscape, Seascape and Visuals**

7.5.1 The Tarbert Ferry Terminal is located within the South Lewis, Harris and North Uist National Scenic Area (NSA). The Local Authority are of the opinion that Landscape, Seascape and Visuals should be scoped in, noting the designation and importance of Tarbert as a gateway to the Hebrides. The Scottish Ministers are therefore minded to agree with this opinion and therefore this topic should be scoped in.

## **7.6 Land and Soil Quality**

7.6.1 Baseline surveys indicated that the underlying bedrock in the area is the Lewisian Complex. The dredging, land reclamation and piling have the potential to affect the land and soil quality within the marine environment through changes to the till structure and sediment deposition. The dredge material will be used to infill the marshalling area extension and therefore reduces the requirement for off-site disposal. In order to minimise the potential effects, the applicant proposed the following mitigations:

### **Soil Contamination**

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

### **Removal of underlying geology**

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

The assessment of impacts to Land and Soil Quality is not required to be part of the EIA Report.

## **7.7 Population, Human Health and Socio-economy**

7.7.1 The main economic sectors within the Western Isles are public services, constructions, fishing, fish farming and fish processing. The applicant proposes a local workforce to be used where possible. The workforce will require to use the amenities in the area, which will provide socio-economic benefits.

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

## **7.8 Noise and Vibration**

7.8.1 During the construction phases, underwater noise is likely to be generated during the piling, dredging, fill levelling and from vessel traffic delivering materials. This could have the potential to disturb and possibly injure marine mammals in the area. Noise and vibration associated with construction phases should be investigated further and therefore should be scoped into the EIA Report. An underwater noise model should be developed in order to predict the noise emission levels and frequencies at different ranges from the site. This model will inform the marine ecological risk assessment and if required noise mitigation should be implemented. The EIA Report should also contain information required to inform Habitats Regulations Appraisal, including broadening the scope to consider impacts to other species of cetaceans and possible EPS disturbance licence requirements (for cetaceans and potentially for Basking sharks).

7.8.2 The applicant should consult the Scottish EPS guidance [<http://www.gov.scot/Resource/0044/00446679.pdf>] which provides good practical guidelines for specific activities. It is considered that these guidelines currently represent best practice and adherence to the guidelines should reduce the risk of an injury offence.

7.8.3 Operationally, it is unlikely that the noise generated from the development will increase significantly from the current baseline. Therefore an assessment of impacts from noise and vibration during the operation phase are not required as part of the EIA Report.

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

7.9.1 Details should be provided in the EIA Report of how waste generated on site will be stored and disposed of, including contaminated materials. Furthermore, although there are some natural resources on the site that will be reused as part of the proposed works, some materials will have to come from elsewhere. For the proposed land reclamation, given the use of sheet piles, it is likely SEPA will regulate this activity under The Waste Management Licensing (Scotland) Regulations 2011 (WML) should waste dredging spoil be utilised. SEPA will have to advise on the likely consentability of this proposal and early consultation is recommended. Mitigation measures should then be included in the CEMP or as advised by SEPA, a SoM with detailed site plans demonstrating how impacts on the environment have been minimised through site design. Waste generated during the demolition phases will be removed by a licensed waste contractor. Operationally there may be an increase in water and waste produced by passengers, however this is not anticipated to be significant.



7.9.2 In order to minimise the potential effects, the following mitigations should be included within a site specific SoM (either separate or contained within a CEMP) and implemented:

Material and water usage:

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

Incorrect waste disposal

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

7.9.3 Provided a site specific SoM (either separate or contained within a CEMP) is implemented, the assessment of impacts to Natural Resource Usage and Waste is not required as part of the EIA Report.

## **7.10 Traffic, Access and Navigation**

7.10.1 During the construction phases, relocation of existing pontoons and moorings is required to accommodate the dredging activity. The EIA report should demonstrate that the issue of disturbance to other users, including, but not limited to, visiting and local recreational vessels, has been addressed and mitigation measures identified if necessary.

7.10.2 During the operational phases, a single safety management system should be implemented, but arrangements may be required prior to the revised HRO approval.

7.10.3 Marine Traffic and Access during the construction and operational phases should be scoped into the EIA report, demonstrating that methods which will be employed to minimise disturbance to other vessel users in the area and clearly set out what management system will be used.

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

7.11.1 The proposed dredging and piling works and increased surface water run-off have the potential to affect changes in the:

- water and sediment quality through changes to the suspended sediment concentrations;
- dissolved oxygen in the water column;
- level of water and sediment contaminants; and
- water and sediment quality from the redistribution of sediment-bound chemical contaminants.

7.11.2 SEPA Guidance Note 17 should be used and a risk assessment process adopted where appropriate to evaluate significance. This will include the identification of all existing discharges within the vicinity of the construction site, for example the welfare facilities on the pier. Details of how each will be accommodated will be included in the EIA.

7.11.3 Seabed sampling will be undertaken in line with the Pre-Disposal Sampling Guidelines as referenced in Appendix IV. The results of this will be used to assess any potential impacts of mobilising historic contamination in the seabed..

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

7.11.5 Impacts from flood / tidal surges can be scoped out (as risk is negligible), but are to be mitigated through using the Coastal Flood Boundary Levels for Scotland and updated climate change predictions in the design of the structures.

7.11.6 Water Quality and Coastal Processes are scoped into the EIA Report for the construction phases of the work. Operationally, no significant changes are anticipated to the current water quality and coastal processes.

## **7.12 Major Accidents and Disasters**

7.12.1 Impacts from major accidents and disasters were considered in the Screening and Scoping Reports within the context of the potential risk associated with the location and proposed site use. Provided use of the Operational and Safety Management System throughout construction and operation to manage any incidents and risks, severe storms and transport accidents should not have to be addressed further and are therefore scoped out of the EIA Report.

## **8. Marine Planning**

### **8.1 Background**

8.1.1 The development of projects subject to EIA should be in accordance with the UK Marine Policy Statement and the National Marine Plan ('NMP').

8.1.2 **The UK Marine Policy Statement 2011** – The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

8.1.3 **Scotland's NMP 2015** – Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the NMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorisation and enforcement decisions, or any other decision that affects the marine environment, in accordance with the NMP. The NMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan.

## **9. General EIA Report Issues**

### **9.1 Gaelic Language**

9.1.1 Where works are located in areas where Gaelic is spoken, applicants are encouraged to adopt best practice by publicising the project details in both English and Gaelic.

### **9.2 Application and EIA report**

9.2.1 The EIA report must contain all of the information specified in the Scoping Opinion. On submission of the application and supporting EIA report, the Scottish Ministers, will review the completed template in conjunction with the EIA report to ensure this is the case before the application is officially accepted. This check will also include an EIA audit. If information requested at scoping stage has not been provided in the EIA report then the applicant will be asked to provide that information before the application can be accepted.

9.2.2 Please note all aspects of this Scoping Opinion should be considered when preparing a formal application to reduce the need to submit additional information in support of the application. The consultee comments presented in this Scoping Opinion are designed to offer an opportunity to consider all material issues relating to the work proposals.

9.2.3 The exact nature of the work that is needed to inform the EIA may vary depending on the design choices. The EIA must address this uncertainty so that there is a clear explanation of the potential impact of each of the different scenarios. It should be noted that any changes produced after the EIA report is submitted may require further environmental assessment and public consultation.

9.2.4 In assessing the quality and suitability of applications, the Scottish Ministers will use the gap analysis and this Scoping Opinion in assessment of the application. In the event of a submitted application not containing essential information, the Scottish Ministers reserve the right not to accept the application. Applicants are advised not to publicise applications in the local or national press, until their application has been accepted by the Scottish Ministers.

## 10. Multi-Stage Regulatory Approval

10.1.1 The Marine Works 2017 (as amended) contains provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage, one stage involving a principal decision and one or more other stages involving an implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.

10.1.2 The definition in The Marine Works 2017 (as amended) is as follows: *“application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun*”.

10.1.3 A marine licence, if granted, by the Scottish Ministers for your works at Tarbert Ferry Terminal is likely to have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS.

10.1.4 When making an application for multi-stage approval the applicants must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA report. In doing so, the applicants must account for current (meaning at the time of the multi-stage application) knowledge and methods of assessment which address the likely significant effects of the works on the environment so to enable the Scottish Ministers to reach a reasoned conclusion which is up to date.

10.1.5 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

## **11. Judicial review**

11.1.1 All cases may be subject to judicial review. A judicial review statement should be made available to the public.

Signed  
Redacted

**20 December 2017**

Authorised by the Scottish Ministers to sign in that behalf

## **Appendix I: Consultee Responses**

### **SNH**



Redacted

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

Date: 11 December 2017

Redacted  
Dear

**TARBERT FERRY TERMINAL DEVELOPMENT, ISLE OF HARRIS.  
EIA SCOPING REPORT - MARINE WORKS (ENVIRONMENTAL IMPACT  
ASSESSMENT REGULATIONS 2017 (AMENDED))**

#### **1. Introduction**

Thank you for your consulting SNH on the above Scoping Report which we received on 2<sup>nd</sup> November 2017. We provided a screening response regarding this proposal to Marine Scotland on 1<sup>st</sup> August 2017. In that screening response we indicated that the key issues raised by the proposal (with respect to our interests), are the potential impact on the Inner Hebrides and the Minches candidate Special Area of Conservation (cSAC) and on European Protected Species (cetaceans and otters). Our consideration of the Scoping Report is limited to those issues.

#### **2. Comments on the Scoping Report**

The Scoping Report includes all the topics that we wish to see covered by the EIA process. We support the recommendations within the Scoping Report as they relate to our interests (see table 16.1). The potential impacts that require further consideration are in our view largely confined to the construction phase of the development and relate to underwater noise (associated with piling, dredging and reclamation operations), and loss/modification of benthic habitat. We are in agreement that impacts on terrestrial biodiversity, ornithological interests and landscape should be scoped out.

#### **3. Advice**

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

Underwater noise impacts associated with the construction phase of the proposal are the key consideration for harbour porpoise, the protected feature of the cSAC. Although the development is 8.3 km outside the boundary, there is still the potential for the noise from drilling, piling and/or dredging to affect the conservation objectives of the site which will require Marine Scotland to undertake an appropriate assessment.

The Report (see Section 10.5.2) commits to the development of an underwater noise model to inform that assessment. Underwater noise can adversely impact cetaceans (including harbour porpoise) by masking communication between animals, disturbing natural behaviour and distribution, impairing hearing or even, at close proximity, causing

Scottish Natural Heritage, 32 Francis Street, Stornoway, Isle of Lewis, HS1 2ND  
Tel: 01851 705258 Fax: 01851 704900

e-mail: [roddy.macminn@snh.gov.uk](mailto:roddy.macminn@snh.gov.uk)  
[www.nature.scot](http://www.nature.scot)

injury or death. The risk of such impacts is influenced by factors including location of the proposed piling activity, its duration, whether it is continuous or intermittent, time of day, and the piling methodology.

Risk of injury or disturbance to cetaceans could feasibly be reduced to negligible levels through adoption of appropriate avoidance or mitigation measures. We therefore advise that the applicants prepare a mitigation plan (in addition to an underwater noise model) under which the risk of disturbance is reduced to an acceptable level. To inform this we advise the applicant refers to the JNCC's '*Statutory Nature Conservation Agency Protocol for Minimising the Risk of Injury to Marine Mammals from Piling Noise*'<sup>1</sup> when drawing up a mitigation plan. Ideally, the mitigation plan should take the form of a method statement, including a detailed protocol for operations that generate underwater noise capable of affecting harbour porpoise.

### 3.2 European Protected Species

We suggest that the mitigation plan (as discussed above) should be broadened to include the consideration of impacts on the other species of cetaceans found in the vicinity of East Loch Tarbert (as identified in section 6.3.2.2). By doing so it will be possible to assess whether an EPS licence is required.

We welcome the commitment in the Report for an otter survey to be completed prior to the construction phase of the proposal commencing (see section 6.6.1.1).

### 3.3 Other Marine Conservation Interests

We welcome the commitment to undertake a survey of benthic habitat within the development footprint and have previously liaised with the developer (Cassie Butler) in the drafting of the proposed methodology (see 6.6.2). General Policy 9 (GEN 9) of Scotland's National Marine Plan states that development must not result in significant impact on the national status of Priority Marine Features (PMFs). The survey and report's main focus should be on assessing any impact in this context. Further information on PMFs and their protection is available at our website<sup>2</sup>.

## 4. Conclusion

We are content that, in relation to all impacts on the natural heritage the mitigation measures as set out in the Scoping Report are adequate to ensure that effects on the environment are not likely to be significant.

Please let me know if you need any further information or advice from us in relation to this proposal. We would be happy to provide further detail on any of the above to the developer on request.

Yours sincerely

Redacted

Operations Officer  
Argyll & Outer Hebrides

<sup>1</sup> See [http://www.jncc.gov.uk/pdf/JNCC\\_Guidelines\\_Piling%20protocol\\_August%202010.pdf](http://www.jncc.gov.uk/pdf/JNCC_Guidelines_Piling%20protocol_August%202010.pdf)

<sup>2</sup> See <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/priority-marine-features-scotlands-seas>



## SEPA

Redacted

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**From:** Redacted  
**Sent:** 23 November 2017 14:04  
**To:** MS Major Projects  
**Cc:** Redacted  
**Subject:** RE: Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal  
Development - Consultation - SEPA Response PCS/155882  
**Attachments:** Ferry terminal upgrades at Uig, Lochmaddy and Tarbert

Redacted

Many thanks for the Tarbert scoping consultation.

As you'll be aware, we previously provided screening and scoping advice for the three projects at Uig, Tarbert and Lochmaddy (attached). We have reviewed the proposed scope of the Tarbert EIA against this advice and we are generally supportive of the proposed scope. There are a couple of topics where we have provided further comments for the agent as detailed below.

- a) Section 13.4 of the Scoping Report mentions the installation on an oil separator and new drainage system. Section 13.6 proposes scoping out terrestrial water quality. We request that this issue is assessed in some form as it is important to demonstrate that adequate space is available to treat surface water run-off. Please refer to Section 3 of our previous response for the issues we would expect to be assessed as part of this. These should be shown on submitted site plans during the marine licence and planning applications. In addition we support the proposal for waste water drainage to be directed to the public sewer. This should be shown on site plans. Please note Section 5 of our previous response in terms of existing waste water outfalls. These should be included within any site plans too.
- b) In terms of flood risk, in this instance we agree with the agent that the impact of land reclamation on flood risk is likely to be negligible and can be scoped out. We wish to take this opportunity to highlight that there will be updated Coastal Flood Boundary levels for Scotland available by the end of the year and updated climate change predictions in the spring of 2018. This should be taken account when designing the structures.
- c) The Scoping Report does not clarify whether borrow pits are required. We therefore assume that none are proposed. This should be stated within the applications. If this is not the case then the issues detailed in Section 6 of our previous response should be assessed.
- d) We welcome the proposal for a site specific schedule of mitigation. As detailed in Section 7 of our previous response, our preference is that detailed site plans are submitted to demonstrate how impacts on the environment have been minimised through site design and that all mitigation should be detailed within a suitably robust schedule of mitigation as part of the application. Across Scotland, we have found that the use of maps, plans and a supporting schedule of mitigation are more effective at ensuring that mitigation is implemented than CEMPs. CEMPs tend to contain too much text and repetition to be useful to contractors and site operatives. As a result we will expect the applications to include detailed site plans and site specific schedule of mitigation.
- e) For the proposed land reclamation, if sheet piles are used then it is likely we will regulate this activity under The Waste Management Licensing (Scotland) Regulations 2011 (WML) should waste dredging spoil be utilised. We will have to advise on the likely consentability of this proposal at the planning application and marine licence application stage. If it is proposed to use sheet piles and utilise dredging spoil within the land reclamation then the submission should demonstrate that spoil is not contaminated and will not cause harm to the environment. SEPA's [Waste Classification Technical Guidance WM3](#) may assist in assessing the potential hazardous nature of the spoil.

20 December 2017

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

Kind regards

Redacted

Redacted

Senior Planning Officer

Planning Service, SEPA, Graesser House, Dingwall Business Park, Dingwall IV15 9XB

Redacted

Redacted

Redacted

Ard-Oifigear Dealbhaidh

Seirbheis an Dealbhachaidh, BDAA, Taigh Graesser, Pàirc Gnòthachais Inbhir Pheofharain, Inbhir Pheofharain, IV15 9XB.

Redacted

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

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

From Redacted

Sent: 02 November 2017 14:30

Redacted

**Subject:** Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal Development - Consultation -  
Response required by 02 December 2017

Dear Sir/Madam,

**Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").**

**Caledonian Maritime Assets Limited (CMAL) (per Affric) – Ferry Terminal Development – Tarbert, Isle of Harris**

Please find attached the scoping opinion request documentation submitted by Affric on behalf of CMAL in regards to their proposals for the Tarbert Ferry Terminal Development.

The proposals include terrestrial and marine development therefore planning permission and marine licence(s) will be required. Due to the nature of the works Environmental Impact Assessment is also required

In regards to the marine construction and dredging aspects of the development, we invite your comments, in regard to the EIA Regulations and the Harbour Revision Order under The 1964 Act, on the attached documents by **02 December 2017**.

Please ensure all comments are copied to [ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot).

Kind Regards



Our ref: PCS/154240 – Uig  
PCS/154356 –  
Lochmaddy  
PCS/153902 -  
Tarbert

Your ref:

If telephoning ask for:  
Cerian Baldwin

Redacted

Redacted

3 August 2017

Dear Redacted

**The Harbour Works (Environmental Impact Assessment) Regulations 1999  
[excluding Part II] for Harbour Revision Orders or Harbour Empowerment Orders  
made under the Harbours Act 1964  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Ferry terminal upgrades at Uig, Lochmaddy and Tarbert**

SEPA have been consulted for our screening advice for the above developments by Transport Scotland and Marine Scotland. We have also received additional information directly from the applicant.

Whilst we have already provided our screening advice for Tarbert, some of the later consultation emails (which cover all three developments) have provided additional information which enables us to provide more detailed advice. Given the similarities in the nature of the proposed works at each site, rather than compile a separate response for each site we felt it best to provide a holistic consistent response.

Based on the information submitted to us we consider that, with respect to interests **relevant to our remit**, each individual development is **unlikely to have a significant effect** (in the context of the Regulations) on the environment. This is on the assumption that standard and reasonable environmental mitigation measures will be put in place.

Nonetheless, we ask that any subsequent Harbour Revision Order, Marine Licence or planning application considers the issues detailed below. We would welcome the opportunity to discuss these issues with the applicant.

**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.](#)

- 1.2 We welcome the proposals to re-use dredging spoil within the land reclamation works. We would specifically highlight our advice in Section 3.3 and 3.4 within the guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#) with regards the re-use of dredged material and remind the applicant to consider the potential risk of contaminants being present in the spoil.
- 2. Site layout**
  - 2.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all temporary or permanent access tracks, excavations, buildings, borrow pits, pipelines, site compounds, laydown areas, storage areas and any other built elements.
  - 2.2 Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. A comparison of the environmental effects of alternative locations or layouts may be required.
- 3. Surface water drainage**
  - 3.1 Surface water runoff must be treated by sustainable drainage systems (SUDS) therefore it is important to ensure that adequate space to accommodate SUDS is incorporated within the site layout.
  - 3.2 We welcome the proposals to include oil interceptors. The proposals should meet the treatment requirements of [CIRIA C753](#). A site plan showing the proposed SUDS treatment train must be submitted. Different areas of the development will require different levels of treatment. For example run-off from car parking or marshalling areas will require greater treatment than roof run-off.
  - 3.3 The Simple Index Approach calculation (Section 26.7.1 of the guidance) should be used for the lower risk areas within the site. For yard areas, refuelling areas or areas where there is a higher pollution risk, a detailed risk assessment (Section 26.7.3 of CIRIA C753) must be submitted. We are likely to regulate discharges from high risk areas under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR).
  - 3.4 In addition there may be existing surface water drainage outfalls in the locality. Any redevelopment provides an opportunity to upgrade the treatment of these discharges and bring them in line with current practice. All existing surface water discharges and their treatment systems must be shown on a site map.
  - 3.5 Comments on the acceptability of post-development runoff rates for flood control should be sought from the local authority flood prevention unit, and not from SEPA. Comments from Scottish Water should be sought where the SUDS proposals would be adopted by them. We encourage the design of SUDS to Sewers for Scotland Second Edition standards and the adoption of SUDS features by Scottish Water as we are of the view that this leads to best standards and maintenance.
- 4. Flood risk**

- 4.1 All of the proposed sites lie within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Maps and may therefore be at medium to high risk of flooding. However as these proposals are for upgrades to the existing terminals we would consider these as being a water compatible use, and have to be located within the functional floodplain for operational reasons.
- 4.2 We note that for all of the proposals there may be some form of land reclamation to increase the marshalling area, particularly for the Uig proposals. Due to the low vulnerability of the proposed land use we would be unlikely to have any issue with the marshalling area being situated on reclaimed land.
- 4.3 However land reclamation has the potential to alter wave direction and local geomorphology characteristics such as increasing erosion. These changes may increase flood risk, and therefore the risk of increasing flood risk should be assessed. We note that a coastal wave study is proposed for the Uig development and we ask that this includes an assessment of flood risk. We would recommend that this is also carried out for Lochmaddy and Tarbet if land reclamation is also proposed. Whilst Marine Scotland will advise on the coastal geomorphic aspects of these assessments we can provide flood risk advice.
- 4.4 All new development, including development on reclaimed land, should be above the estimated 1 in 200 year flood level for the area, unless that particular aspect of the proposal needs to be lower for operational reasons. This will enable the developments to be more resilient during times of flood or storm events. We would also recommend the use of water resistant materials and forms of construction as appropriate.
- 4.5 The estimated 1 in 200 year flood levels given below are based on extreme still water level calculations using the Coastal Flood Boundary (CFB) Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location. We would recommend a minimum 600mm freeboard is added to the CFB levels to allow for modelling uncertainties.
- Uig: 3.88mAOD (Newlyn)
  - Lochmaddy: 3.37mAOD (Stornoway)
  - Tarbet: 3.42mAOD (Stornoway)

## **5. Existing waste water outfalls**

- 5.1 We are aware that there are existing waste water drainage outfalls that may need to be extended or avoided at each site. For example at Tarbert there are outfalls from Scottish Water and the distillery and at Lochmaddy there is an existing discharge from the welfare facilities on the pier. There are likely to be other waste water outfalls at each site. All existing outfalls should be identified and details of how each will be accommodated included on the site plans.

## **6. Borrow pits**

- 6.1 We understand that no borrow pits are proposed as part of this development. If borrow pits are proposed, then in accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted which includes the following information for each borrow pit:
- a) A map showing the location, size, depths and dimensions.

- b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
- c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
- d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
- e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO<sub>2</sub>.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

## **7. Pollution prevention during construction**

- 7.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. We note



the applicant's proposals for a Construction Environmental Management Plan (CEMP). We can confirm that from our perspective, a CEMP need not be provided with the application. Instead, we expect the detailed site plans we have requested in this letter to demonstrate how impacts on the environment have been minimised through site design and all mitigation should be detailed within a suitably robust schedule of mitigation.

- 7.2 The schedule of mitigation should be supported by the above site specific maps and plans. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Guidance for Pollution Prevention \(GPPs\)](#).

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

#### **8. Regulatory requirements**

- 8.1 Any proposed engineering works within the water environment above Mean High Water Springs or any proposed abstractions or discharges will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat, soils or dredging spoil 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.
- 8.2 Should Liquid Natural Gas (LNG) storage be proposed then this will fall under Control of Major Accident Hazards Regulations 2015 (COMAH). It may also be subject to a future Hazardous Substances application. We appreciate that the proposals for this are at a very early stage but it is important to consider where this might be accommodated and the required distances between sensitive receptors and the proposed storage areas. For example we would be concerned if it was proposed to co-locate LNG and marine diesel due to the risk of a major accident. In addition the Health and Safety Executive (HSE) will need to be consulted on any proposals for LNG storage. We recommend that the applicant consults us and HSE directly to discuss the implications of these regulations and how it may effect the layout of the proposals.
- 8.3 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 regulations team in your local SEPA offices at:

Ferry terminals at Tarbert or Lochmaddy - James Square, James Street, Stornoway HS1  
2QN Tel: 01851 706477; or

Uig Ferry Terminal - Carr's Corner Industrial Estate, Lochybridge, Fort William PH33 6TL  
Tel: 01397 704426

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer  
Planning Service

Redacted

*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. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*





By email: [MS.majorprojects@gov.scot](mailto:MS.majorprojects@gov.scot)

Marine Scotland (Aberdeen Office)  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Redacted

Our ref: AMN/16/W  
Our case ID: 300021748

22 November 2017

Redacted  
Dea

The Marine (Scotland) Act 2010  
The Marine Works (Environment Impact Assessment) Regulations 2017  
The Harbours Act 1964  
Tarbert Ferry Terminal Development, Isle of Harris  
Scoping Report

Thank you for your consultation which we received on 02 November 2017 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

#### **Proposed Development**

I understand that the proposed development comprises pier reconstruction and extension; pier fendering; terminal building demolition and reconstruction; dredging works; and marshalling and carpark area extension by reclamation, located on the south-east coast of the Isle of Harris.

#### **Scope of assessment**

We can confirm that there are no historic environment features within our statutory remit within the development site boundary or in its immediate vicinity. As such, we consider that there is unlikely to be a significant impact on the site or setting of historic environment features within our statutory remit. We are therefore content for the proposal

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



to proceed without any further requirements for environmental information for our interests.

As noted above, however, we recommend that you also consult the relevant local authority's archaeological advisors regarding potential impacts on the historic environment, including unscheduled archaeology.

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 phone on Redacted or by Redacted

Yours sincerely

**Historic Environment Scotland**

## Local Authority – Planning Department

Redacted

---

**From:** Redacted  
**Sent:** 02 December 2017 18:44  
**To:** Redacted  
**Cc:** MS Major Projects; Redacted  
**Subject:** 17/00576/MLCON - Caledonian Maritime Assets Limited (CMAL) (per Affric) – Ferry Terminal Development – Tarbert, Isle of Harris

I refer to your initial e-mail dated 2 November 2017 and your further e-mail dated 28 November in relation to the above. Please find our response as follows:

### Terrestrial Works

It is unlikely that the scope of works will require planning permission since based on the layout in Drawing Number 1973/906 the works are either within existing operational land in the control of the harbour authority or below MLWS

### Archaeology and Cultural Heritage

It is noted that the Scoping Report has scoped out Archaeology and Cultural Heritage impacts as unlikely to be significant.

The proposed Mitigation Measures in the form of a protocol for archaeological discoveries to be included within the CEMP for use in the unlikely event of an archaeological find is considered acceptable in the circumstances set out in the scoping report.

### Noise and vibration

It is noted and agreed that construction noise both terrestrial and marine, is scoped into the EIA process.

### Dust

It is noted and agreed that the potential impacts from Dust outlined in Sections 4.3.1 and resultant impact on air quality during construction is scoped into the EIA process.

### Landscape and visual impacts

Given the NSA designation and importance of Tarbert as a visitor gateway to the Hebrides it is noted and agreed that landscape and visual impacts are screened into the EIA process.

### Traffic and Access

Given the congestion that can occur in and around Tarbert at certain times of the year and the likely ongoing increase in traffic at the marshalling area It is noted and agreed that construction and operational traffic and access is scoped into the EIA.

I trust the foregoing comments are of assistance in relation to the aspects of the development in which the Comhairle as local authority for the area, has an interest.

Please note that an outlook message indicates that [ms.majorprojects@gov.scot.e-mail](mailto:ms.majorprojects@gov.scot.e-mail) address is no longer valid

Regards

Redacted

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Redacted

Ag Obair Comhla airson na h-Eileanan Siar **COMHAIRLE NAN EILEAN SIAR** Working Together for the Western Isles  
Planning applications and appeals can be submitted online at : [www.eplanning.scot/ePlanningClient](http://www.eplanning.scot/ePlanningClient)

Pre-application planning advice is given without prejudice to the consideration of any subsequent application received by Comhairle nan Eilean Siar.

**From:** Redacted

**Sent:** 02 November 2017 14:30

Redacted

**Subject:** Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal Development - Consultation -  
Response required by 02 December 2017

Dear Sir/Madam,

Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").

Caledonian Maritime Assets Limited (CMAL) (per Affric) – Ferry Terminal Development – Tarbert, Isle of Harris

Please find attached the scoping opinion request documentation submitted by Affric on behalf of CMAL in regards to their proposals for the Tarbert Ferry Terminal Development.

The proposals include terrestrial and marine development therefore planning permission and marine licence(s) will be required. Due to the nature of the works Environmental Impact Assessment is also required

## Local Authority – Harbour Master

Redacted

---

**From:** Redacted  
**Sent:** 28 November 2017 14:46  
**To:** Redacted  
**Cc:** MS Major Projects  
**Subject:** FW: Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal  
Development - Consultation - Response required by 02 December 2017

Dear Redac

**Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").**

Caledonian Maritime Assets Limited (CMAL) (per Affric) – Ferry Terminal Development – Tarbert, Isle of Harris

We have no comments to make in regards to this Scoping opinion request.

Best Regards  
Redact

Redacted

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This email and any attachments may contain privileged/confidential information. If you are not the intended recipient, please inform the sender and delete this message immediately. Any views or other information in this message which do not relate to the business of the Comhairle are not authorised by the Comhairle nor does this message form part of any contract unless so stated. The Comhairle's email system is subject to random monitoring and recording. This e-mail message and any attached files have been scanned for the presence of computer viruses by MailCritical. However, you are advised that you open any attachments at your own risk.

Dh'fhaodadh gum bi fiosrachadh sochairichte/diomhair an lùib a' phuist-dealain seo no ceangalachain sam bith. Ma chaidh a chur thugaibh ann am mearachd, cuiribh fios chun neach a chur thugaibh e agus dubh às an teachdaireachd-sa sa bhad. Chan eil beachdan no fiosrachadh sam bith eile nach eil ceangailte ri gnothachas na Comhairle ùghdarraichte leis a' Chomhairle agus chan eil an teachdaireachd seo na phàirt de chunnradh sam bith mur a h-eil seo ainmichte sa phost-dealain. Tha siostam post-dealain na Comhairle ga mheasadh agus ga chlàradh gu tuairamach. Tha an teachdaireachd post-dealain seo agus ceangalachain sam bith air a bhith gan sganadh airson bhiorasan le MailCritical. Gidheadh, thathar a' comhairleachadh gu bheil sibh a' fosgladh cheangalachain sam bith aig ur cunnart fhèin.

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*

## MCA

Redacted

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**From:** Redacted  
**Sent:** 28 November 2017 11:25  
**To:** Redacted  
**Cc:**  
**Subject:** RE: Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal  
Development - Consultation - Response required by 02 December 2017

Redacted

Thank you for the opportunity to comment on the scoping request for the Tarbet Ferry Terminal Development, Isle of Harris.

I note that a Harbour Revision Order is to follow to incorporate the inner harbour into jurisdiction, with the intention for the Safe Management System to apply across the whole site, as per Port Marine Safety Code and Guide to Good Practice (GTGP).

On this occasion we are content that any navigation safety concerns can be addressed by suitably worded conditions at the formal marine licence stage.

At the Marine Licence stage, I would expect to see consideration given to any potential impact the construction works may have on vessels operating in the area and proposed risk mitigation methods. As the upgrade includes a pier extension, I would expect the developers to notify the UK Hydrographic Office at the Marine Licencing stage for consideration of updates to nautical charts and publications. The local coastguard and local MCA Marine Office should also be notified of the proposed works.

Kind regards

Redacted

Redacted

Acting OREI Advisor  
Maritime and Coastguard Agency  
Bay 2/25 Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

Redacted

Please note I currently work Tuesdays, Wednesdays and Thursdays.

---

Redacted



NLB

## Northern Lighthouse Board

Your Ref: Email dated 02/11/17  
Our Ref: GB/OPS/ML/C3\_01\_288

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093

Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



Redacted

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

24 November 2017

Dear Redacted

**MARINE (SCOTLAND) ACT 2010 AND THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED) ("THE EIA REGULATIONS") AND THE HARBOURS ACT 1964 ("THE 1964 ACT") – CALEDONIAN MARITIME ASSETS LTD (PER AFFRIC) – FERRY TERMINAL REDEVELOPMENT WORKS – TARBERT FERRY TERMINAL, TARBERT, ISLE OF HARRIS**

Thank you for your email correspondence dated 02 November 2017 regarding the proposal by **Caledonian Maritime Assets Ltd (per Affric)** for ferry terminal redevelopment works at Tarbert Ferry Terminal, Tarbert, Isle of Harris.

We note the redevelopment works will include dredging, pier extension, land reclamation and HRO to include the inner harbour.

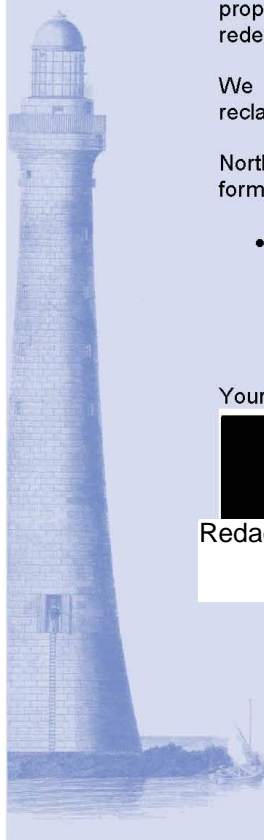
Northern Lighthouse Board has no objections to these proposals, and will reply formally in response to the Marine Licence applications, but would initially advise:

- That the existing Aids to Navigation (AtoN) are reviewed and an overall plan for AtoN at the ferry terminal is discussed with the Northern Lighthouse Board.

Yours sincerely

[Redacted signature]

Redacted



the safety of

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

**RYA**



Royal Yachting Association Scotland

**RYA Scotland**

Caledonia House  
1 Redheughs Rigg  
South Gyle  
Edinburgh  
EH12 9DQ

Tel: +44 (0)131 317 7388  
Fax: +44 (0)844 556 9549  
Email: [admin@ryascotland.org.uk](mailto:admin@ryascotland.org.uk)  
Web: [www.ryascotland.org.uk](http://www.ryascotland.org.uk)

16 November 2017

Redacted

Marine Scotland Licensing Operations Team  
Scottish Government  
Marine Laboratory,  
375 Victoria Road, Aberdeen,  
AB11 9DB  
[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Redacted

Dear Redacted  
and

**Scoping opinion request, Tarbert, Isle of Harris Ferry Terminal Development**

I have read the Scoping Document of behalf of RYA Scotland. We recognise the importance of the work being carried out.

I regret that as it stands, recreational boating probably cannot be scoped out of *Population, human health and socio-economy*, and *Traffic, access and navigation* (which has been truncated to *Traffic and access* in Table 16.1), as there is little explicit mention of recreational boating. The report correctly states that 'The harbour area is currently used by recreational vessels that have a series of temporary moorings to the south of the existing terminal. There is currently a development under way to install permanent pontoons to the south-west of the site.' However, on page 4 it is stated that 'To accommodate the dredge works it will be necessary to temporarily relocate and reinstate the affected existing pontoon system and moorings.' This seems to imply that there might be an impact of the works on recreational boating, particularly if these were to take place during the sailing season. Impacts are likely to be low, related only to the construction phases. I imagine that they could be scoped out by appropriate mitigation that could take the form of publicising alternative arrangements that might be made for visiting and local recreational vessels. It is important that there is a single safety management system in place but arrangements may well need to be put in place before the revised HRO is approved.

If I were to receive a suitable paragraph about mitigation for recreation boats during the construction phase from the applicants then I would be happy to affirm that any adverse impacts could be scoped out with mitigation.

Yours sincerely,

Redacted



20 December 2017

DIO

Redacted

---

**From:** Redacted  
**Sent:** 20 November 2017 08:26  
**To:** Redacted  
**Subject:** RE: 20171120-Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry  
Terminal Development - Consultation - DIO 10041839-O

Good Morning Redacted  
d

Further to your e-mail below and after our investigation, I can confirm that the MOD has No Objection to this activity in the location specified. I hope this information is sufficient for your purposes.

Regards

Redacted

Safeguarding Assistant- Environment & Planning Support – Safeguarding

DIO Safety Environment & Engineering

Defence Infrastructure Organisation  
Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

Redacted

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Recipient(s):  
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Redacted

**Subject:** Scoping Opinion Request - CMAL (per Affric) - Tarbert Ferry Terminal Development - Consultation -  
Response required by 02 December 2017

Dear Sir/Madam,

Marine (Scotland) Act 2010 and The Marine Works (Environmental Impact Assessment) Regulations  
2017 (as amended) ("The EIA Regulations") and The Harbours Act 1964 ("The 1964 Act").

## **Appendix II: Licensing Process**

### Application

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

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

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

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

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

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

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

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

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

### Pre-Dredge Sampling

Please note that if it is intended to dispose of any dredged material at sea, adequate pre-dredge sample analysis must be submitted in support of the EIA report and marine licence dredging application. The licensing authority reserves the right not to accept an application in the absence of acceptable sediment analysis data.

Please refer to the pre-dredge sampling guidance provided in Appendix III.

### Ordinance Survey ("OS") Mapping Records

Applicants are requested at application stage to submit a detailed OS plan showing the site boundary and location of all deposits and onshore supporting infrastructure in a format compatible with The Scottish Government's Spatial Data Management Environment ("SDME"), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

### Advertisement

Where the applicant has provided the Scottish Ministers with an EIA report, the applicant must publish their proposals in accordance with Regulation 16 of The Marine Works 2017 (as amended) and ensure that a reasonable number of copies of the EIA report are available for inspection at any place named in the publication. Licensing information and guidance, including the specific details of the adverts to be placed in the press, can be obtained from the Scottish Ministers. If additional information is submitted further public notices will be required

### EPS licence

European Protected Species ("EPS") are animals and plants (species listed in Annex IV of the [Habitats Directive](#)) that are afforded protection under [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#). All cetacean species (whales, dolphins and porpoise) are European Protected Species. If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.

A licence may be granted to undertake such activities if certain strict criteria are met:

- there is a licensable purpose;
- there are no satisfactory alternatives, and;
- the actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the [guidance on the protection of marine European Protected Species](#) for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following the determination of the EIA application and once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the EIA report.

Basking sharks are also afforded protection under the Wildlife & Countryside Act 1981 (as Amended by the Nature Conservation (Scotland) Act 2004).

## **Appendix III Pre-Dredge Sampling Guidance**



# **Marine Scotland**

Pre-disposal Sampling Guidance  
Version 1 – January 2017



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### 1. Introduction

Sea disposal operations are controlled by:

- [Marine \(Scotland\) Act 2010](#);
- [OSPAR Convention 1992](#), see also;
  - [OSPAR Guidelines for the Management of Dredged Material at Sea](#);
  - [JAMP Guidelines for Monitoring Contaminants in Sediments](#)
- [The EU Waste Directive](#);
- [The London Convention & Protocol](#);
- [The EU Water Framework Directive](#); and
- [Scotland's National Marine Plan](#).

The requirements set out in this document will ensure applications are in compliance with the above. Deviations from these requirements are liable to result in delays in processing your application as well as the potential requirement for further sampling, analysis and assessment. Please retain **all** samples until determination of your application has been made in case further analysis is required.

### 2. Pre-disposal sampling stages

The process map ([see Figure 1](#)) shows the stages both applicant and MS-LOT must go through to determine a marine licence application for sea disposal activities.



Figure 1 – Process map of pre-disposal sampling stages



### 3. Sampling and analysis requirements

There are a minimum number of sample stations required for each dredge volume (see Table 1).

Table 1 – Minimum sample stations required by dredge volume

Proposed dredge volume (m <sup>3</sup> )	No. of sample stations required
≤25,000	3
32,500	4
50,000	5
75,000	6
100,000	7
150,000	8
200,000	9
250,000	10
300,000	11
350,000	12
400,000	13
450,000	14
500,000	15
600,000	16
700,000	17
800,000	18
900,000	19
1,000,000	20
1,100,000	21
1,200,000	22
1,300,000	23
1,400,000	24
1,500,000	25
1,600,000	26
1,700,000	27
1,800,000	28
1,900,000	29
2,000,000	30
>2,000,000	Seek guidance from <a href="mailto:ms.marinelicensing@gov.scot">ms.marinelicensing@gov.scot</a>

If you are dredging more than 1 metre in depth or in an area with known or suspected contamination you will be required to take core samples, cores should extend to the maximum dredge depth. Individual cores count as 1 station, so a 100,000m<sup>3</sup> dredge of over 1 metre would require 7 cores to be collected. When a core is collected you should sub-sample the surface layer (0-15cm) then every 50cm thereafter. Initially you should select sub-samples from the surface, middle and bottom of the core for analysis, with **all** sub-samples retained for further analysis.

Table 2 – Action Levels

Contaminant	Revised AL1 mg/kg dry weight (ppm)	Revised AL2 mg/kg dry weight (ppm)
Arsenic (As)	20	70
Cadmium (Cd)	0.4	4
Chromium (Cr)	50	370
Copper (Cu)	30	300
Mercury (Hg)	0.25	1.5
Nickel (Ni)	30	150
Lead (Pb)	50	400
Zinc (Zn)	130	600
Tributyltin	0.1	0.5
Polychlorinated Biphenyls	0.02	0.18
<b>Polyaromatic Hydrocarbons</b>		
Acenaphthene	0.1	
Acenaphthylene	0.1	
Anthracene	0.1	
Fluorene	0.1	
Naphthalene	0.1	
Phenanthrene	0.1	
Benzo[a]anthracene	0.1	
Benzo[b]fluoranthene	0.1	
Benzo[k]fluoranthene	0.1	
Benzo[a]pyrene	0.1	
Benzo[g,h,i]perylene	0.1	
Dibenzo[a,h]anthracene	0.01	
Chrysene	0.1	
Fluoranthene	0.1	
Pyrene	0.1	
Indeno(1,2,3cd)pyrene	0.1	
Total hydrocarbons	100	
Booster Biocide and Brominated Flame Retardants *		

\*Provisional Action Levels for these compounds are subject to further investigation.

#### 4. Submitting results

Results should be submitted to MS-LOT using the Pre-disposal Sampling Results form.