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Angus Gillies

Comhairle nan Eilean Siar
Rathad Shanndabhaig
Steornabhagh
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Date: 06 March 2023

Dear Mr Gillies,

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

Thank you for your screening opinion request dated 22 November 2022 and further information supplied on the 6 January 2023 (collectively referred to as “the Screening Request”) in regard to the proposed pier replacement works, including demolition of existing timber pier, construction of new pier and re-alignment and extension of existing pontoon at Acairsaid Harbour, Eriskay, South Uist (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(g) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (“NS”), formerly Scottish Natural Heritage, the Scottish Environment Protection Agency (“SEPA”), Comhairle nan Eilean Siar (“CnES”) and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix 1).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

The Proposed Works consist of the demolition of an existing 22 metre (“m”) timber pier situated at Acairsaid, Eriskay, on South Uist, replacement with a new pier and the re-alignment and extension of an existing pontoon. The existing pier will first be cut to bed level or extracted and removed from the site. The new pier construction will involve fixing anchored installation pins and pier core to the seabed, followed by driving 13 new 508 millimetre (“mm”) diameter steel tubular piles into the seabed by way of vibratory piling. The new pier will measure 33 m by 10 m and will have a concrete deck poured on site into sealed shutters. An existing floating pontoon will be realigned with an additional 18 m section, anchored to the seabed. The new overall pontoon length will be approximately 75 m. The total area of the Proposed Works is 600 square metres and broadly covers the same footprint as the existing pier. The indicative timeframe for the Proposed Works is approximately one year.

Location of the works

The Proposed Works are located within the Sound of Barra Special Area of Conservation (“SAC”), designated for reefs, subtidal sandbanks and harbour seal. In addition, harbour seals are known to haul out on the southern shore of Acairseid Mhòr directly opposite the harbour and within 250-350 m of the Proposed Works. NS advised that the noise and vibration generated from the piling works will have the potential to disturb harbour seals at these haul outs. NS advised that the timings of pile driving must be carefully considered to avoid no adverse effect on the Sound of Barra SAC.

NS advised that the Proposed Works will have no likely significant effects on the Sound of Barra SAC. NS noted that the Proposed Works cover broadly the same footprint as the existing pier and the broad habitat survey of the area showed no subtidal sandbanks near the Proposed Works but that there is reef habitat. NS advised that the shading effect of the existing pier means any reef habitat in the vicinity is likely to be of low quality. NS advised that on this basis and the environment measures referred to in the screening report, any negative impacts from sedimentation or pollution (e.g. construction plant, fuels and materials) will be reduced, and therefore there would be no likely significant effect on the reef qualifying interest of the Sound of Barra SAC.

NS also advised that the Proposed Works could likely affect cetaceans during the construction phase, in particular with the potential for underwater noise to be generated. NS advised that the applicant should submit a species protection plan, which should include consideration of the Joint Nature Conservation Committee’s ‘*Statutory Nature Conservation Agency Protocol for Minimising the Risk of Injury to Marine Mammals from Piling Noise*’. NS also advised that a European Protected Species licence may be required in respect of the Proposed Works. NS advised that it does not consider an EIA to be required for the Proposed Works.

Characteristics of the potential impact

CnES noted that the information contained in the Screening Request differed from that which was provided in relation to the screening request submitted by the applicant in relation to the terrestrial components. CnES advised however based on standard construction mitigation measures for working in the marine environment (as detailed in the Screening Request) being implemented, it did not consider the Proposed Works as an EIA project.

In its response SEPA referred to its standing advice and indicated that it had no site-specific comments to make. HES advised that it does not consider an EIA will be required for any of its interests.

The Scottish Ministers are content that utilisation of standard good practice construction methods and the embedded mitigation measures proposed by the applicant (as detailed in the Screening Request), along with the submission of a species protection plan (which considers impacts and mitigation for both cetaceans and harbour seals) in support of any marine licence application, will be sufficient to ensure no significant effects on the environment. It is the Scottish Ministers' intention that this mitigation will be formalised in conditions, as appropriate, attached to any marine licence subsequently granted for the Proposed Works.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

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

A copy of the screening opinion has been forwarded to CnES planning department. The screening opinion has also been made publicly available through [Screening -Acairsaid Pier, Eriskay - SCR-0052 | Marine Scotland Information](#)

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

Yours sincerely

Maureen McIntyre
Marine Scotland - Licensing Operations Team

Appendix 1

SEPA

Dear Maureen McIntyre

We have no comments to make on this application as any applications which are purely within the marine environment, including at any stage of EIA falls below our consultation thresholds. Please refer to Section 2.2 of our [SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#).

Please consider our standing advice in Section 3 and Table 1 as SEPA's views and consultation response, where relevant. I would highlight that Section 3 states "...For all matters covered by the below advice, SEPA has not assessed the application, has no site-specific comments to make and, where relevant, **does not consider EIA is required from our perspective....**"

If there is a significant site-specific issue, not addressed by our guidance or other information provided on our website, with which you would want our advice, then please reconsult us highlighting the issue in question and we will try our best to assist.

Kind regards

Jess Taylor

Planning Officer

Planning Service

SEPA Stirling Office, Strathallan House, Castle Business Park, Stirling FK9 4TZ

Local Authority

Dear Maureen

Our EIA Screening opinion was carried out under The Town and Country Planning (Scotland) Regulations 2017 and took into account the information provided by the applicant (which differs from that provided to MS for Screening), took account of the advice of consultees and considered the direct and indirect impacts including cumulative of the development in the coastal zone including impacts upon the seabed immediately in and around and under the proposed pier, the noise and vibration impacts associated with piling and the risk of disturbance to seals haulouts. Please see the attached checklist in evidence.

We considered that the Marine Licence process and its powers to require a CEMP to control a range of construction impacts, together with planning conditions to restrict the piling to periods outwith seal pupping and moulting seasons, would be adequate to mitigate any impacts in the Marine Environment, which (based on the advice of NatureScot) we did not consider to be significant.

I have reviewed the submitted Marine EIA Screening report (the Report) and confirm that subject to standard construction mitigation when working in the Marine environment (as set out in the Report) we do not consider that there will be significant effects such that marine aspects require to be assessed through EIA methodology.

Please telephone if you wish to discuss.

Please note that the Planning Application requires to be subject to an HRA – Appropriate Assessment and expect the same will be true for the Marine Licence

Regards

Mòrag NicFhearghais, Manaidsear Dealbhaidh: Morag Ferguson, Planning Manager, (Development Management),



COMHAIRLE NAN EILEAN SIAR

EIA SCREENING CHECKLIST

APPLICATION REFERENCE NO:	22/00528
TYPE OF APPLICATION:	Environmental Screening Opinion
VALID APPLICATION RECEIVED:	30 November 2022
DEVELOPMENT:	Replacement of ageing wood-piled pier with steel-piled pier, to extend the life of the facility by 50 years, including an extension of the pontoon provision, including an attenuator at the outer end, and realignment of the pontoon access.
LOCATION OF DEVELOPMENT:	Pier Acarsaid Mhor. Eriskay, Isle Of South Uist
APPLICANT:	Comhairle Nan Eilean Siar

Section 1: Project Information

Please Describe	
Brief description of location and context	<p>The site is located on the coast on the island of Eriskay. The harbour is situated towards the south of the island, within a bay that provides direct access to the open seas to the east and to the Sound of Barra to the south. A wooden pier currently exists, which mainly serves the local fishing fleet. A number of residential dwellings exist within the locality, on the township road around the bay and to the pier. The ferry terminal to Barra is located to the west of the site, at the end of the main road that runs north-south through the island. The junction of the township road with the main road is located to the north-west of the site.</p> <p>There are no designated heritage assets within the vicinity. A number of non-designated heritage assets are identified on Canmore and the Historic Environment Record to the east of the site, mainly representing former settlements, including remains</p>

	<p>of cultivation and ruined buildings. Canmore also identifies the possible remains of part of the wreck of The Politician lying within the sea some way to the east of the site.</p> <p>The project site is not within a National Scenic Area and the terrestrial part of the site is located outwith any environmental designations. The marine part of the site lies within the Sound of Barra Site of Community Interest (SCI) which was adopted as an SCI by the EU in 2014. In planning terms, a candidate Special Area of Conservation (SAC) or SCI is treated in the same way as a SAC. The qualifying interests for which the site is designated are Harbour/ Common seal, subtidal sandbanks and reefs.</p> <p>The project area is not within an area of the coast identified as at risk of change or erosion on the Dynamic Coast website. The Scotland Environment Maps identifies the area as forming part of the coastal shoreline and the Carbon and Peatland Map 2016 indicates that the area immediately adjacent to the site comprises peat soil.</p> <p>There is an overlap of planning jurisdictions in the inter-tidal area. Terrestrial planning boundaries extend down to Mean Low Water Springs (MLWS), except for fish farming which extends out to 3 nautical miles. Marine Plan boundaries extend up to Mean High Water Springs (MHWS) and Marine Licences (ML) are required for 'licensable marine activities' below MHWS tide level. It is not permitted to carry out a licensable marine activity except in accordance with a marine licence granted.</p> <p>Examples of licensable marine activities include construction in/over the sea, or on/under the seabed (breakwaters, piers, land reclamation, outfalls, slipways, etc). Marine Scotland - Licensing Operations Team (ML-LOT) is the regulator responsible for determining marine licence applications on behalf of the Scottish Ministers in the Scottish inshore region (between 0 and 12 nautical miles) under the Marine (Scotland) Act 2010.</p>
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Site area (hectares)	Approximately 0.0762ha (762 sqm)
Brief description of the proposed development	<p>The footprint for works is predominantly located within the marine environment or just below high tide level. The proposal is to replace the ageing wood-piled pier with a steel-piled one, extending the life of the facility by 50 years, to extend the pontoon provision, including an attenuator at the outer end, and realign the pontoon access.</p> <p>The existing pier comprises a timber berthing/landing structure, built in 1974, with seven timber piles founded at bed level and cast into concrete bases dowelled into rock. Timber piles support primary beams spanning back to large concrete blocks cast on to bedrock behind the pier. The scheme proposes to demolish the existing structure to bed rock level and replace under an interim closure period.</p> <p>The new structure would comprise driven steel tubular piles to rock head level fixed at seabed using anchored stainless-steel pins. The deck would be predominantly reinforced concrete slab supported on a pilecap and beam arrangement supported on 13 steel tubular piles.</p> <p>Steel dowel bars would be drilled and grouted into rock using high strength underwater grout. A steel tubular pile would then be fixed on to the dowel bar, with the overburden above the rock remaining in the pile. Whaling beams and fenders would be fixed to the piles and the reinforced concrete slab of the deck would be supported by reinforced concrete beams.</p> <p>The area of the deck would be extended (indicated to be by some 5.57m to the northwest and 7.65m to the southeast). The approximate plan area of the new deck would be 33m x 10m.</p>

	<p>The existing pontoon system would be re-aligned to tie into the new structure and additional sections of some 18m in length would be added, together with an attenuator, to improve the anchorage facility.</p> <p>The submitted details indicate that detailed land and bathymetric surveys would be carried out prior to the finalised contract drawing issue. A construction sequence has been provided.</p> <p>The new structure would provide a facility for berthing of larger vessels and could also be used as an emergency berth for the Eriskay to Barra ferry (the current regular ferry, the Loch Bhrùsta, is 246 tons gross tonnage).</p>
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Section 2: Single or Multi Stage Consent Application (complete where relevant)

Where the proposed development is of a type listed in Column 1 of Schedule 2 and either:

- is located wholly or in part within a sensitive area; or
- meets any of the relevant thresholds and / or criteria in Column 2 of Schedule 2

it will be necessary to consider whether the proposed development is likely to have significant environmental effects. In determining whether a proposed development is likely to have such effects, account must be taken of the selection criteria in Section 3 of this checklist.

Is the proposed development of a type listed in Column 1 of Schedule 2 (does it extend development described in column 1 or 2)?	Yes – 10 (g) Construction of harbours and port installations, including fishing harbours (unless included in schedule 1) (Schedule 1 - 8: Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes)
Is the proposed development to be located within a 'sensitive area'? If so, please list.	Yes – within the Sound of Barra SCI (proposed SAC)
Does the proposed development (or development as changed or extended) meet or exceed any of the relevant thresholds and/or criteria in Column 2 of Schedule 2?	The thresholds do not apply as it is within a defined sensitive area, however, the proposal is below the identified threshold for 10(g) (the area of the works exceeds 1ha)

Section 3: Selection Criteria for Screening Schedule 2 Development

There are two stages to this section of the checklist:

- First, identifying the potential impacts of the proposed development based upon the characteristics of the development and its location.
- Secondly, considering whether significant environmental effects are likely based upon the characteristics of the potential impacts.

The selection criteria in this section meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 – Schedule 3 for screening Schedule 2 development.

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
1. Characteristics of the Development			
(a) Size and design of the development			

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Will the proposed development be out of scale with the existing environment?	No	Whilst larger than the existing pier, the proposal would be a rebuilding and relatively modest extension of an existing facility, with fairly modest changes to the overall footprint of development. Any re-grading works to the coastal surround would use locally sourced natural stone armour.	
(b) Cumulation with other existing and/or approved development			
Will the proposed development lead to further consequential development or works?	No		
Are there potential cumulative impacts with other existing development, approved developments or developments the subject of valid applications?	Yes	The proposal has been identified as an emergency berth for the Eriskay to Barra ferry	As an emergency facility, which is unlikely to be in regular or frequent use, the effect of this is considered unlikely to be significant
Should the application for the proposed development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	No		
(c) Use of natural resources, in particular land, soil, water and biodiversity			

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Will the proposed development use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or are in short supply?	Yes	The construction of the facility will require the use of intertidal land and building materials, including concrete and steel	Given the relatively modest scale of the proposal and the type of materials proposed, the effects in this regard are not considered likely to be significant
(d) Production of waste			
Will the construction, operation or decommissioning of the proposed development produce wastes?	Yes	The proposal involves the demolition of the existing wooden structure	Having regard to the scale of and materials used in the current facility, the impacts in these respects are not considered likely to be significant
(e) Pollution and nuisances			
Will the construction, operation or decommissioning phases of the proposed development release pollutants or any hazardous, toxic or noxious substances to the air?	Yes	The construction and operation of the project is likely to result in some emissions to the air	The scale of the project is relatively modest and the amount and type of emissions likely to be generated are not considered likely to be significant



Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Will the construction, operation or decommissioning of the proposed development lead to risk of contamination of land or water from releases of pollutants?	Yes	The construction and operation of the project will lead to the risk of releases of pollutants.	<p>The proposed pier is intended to replace an existing facility. Whilst larger than the existing, it would be relatively modest in scale. The operation of fishing and other craft from the pier will need to meet the relevant maritime regulations regarding pollution. As such, the additional risk is considered not likely to be significant.</p> <p>The construction works proposed would be subject to control through the planning regime (for works above MLWS) and the ML regime (for works below MHWS). The approval of a Construction Environmental Management Plan, which could include details of how the risks of contamination from releases of pollutants would be minimised, could be required by planning condition.</p> <p>Other controls are potentially possible through the ML regime which would also potentially mitigate the risk. Consequently, overall and subject to appropriate mitigation and working practices, including the use of construction method statements and location-appropriate materials, as indicated in the submission, the proposal is considered unlikely to result in significant effects in this regard</p>

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
Will the construction, operation or decommissioning phases of the proposed development cause noise, vibration or the release of light?	Yes	<p>The proposed pier would be used by vessels likely to generate noise and light</p> <p>The construction works could result in noise, vibration and light emissions</p>	<p>The proposed pier is intended to replace an existing facility. Whilst larger than the existing, it would be relatively modest in scale. It is reasonable to expect that the vessels themselves would need to meet regulatory requirements in relation to noise. Given the scale of the proposal, the resulting operational noise and light impacts are considered not likely to be significant.</p> <p>Construction impacts in these respects can be adequately controlled by planning condition. High source levels of underwater noise (such as pile-driving or blasting) could cause disturbance to harbour or common seals during breeding and moulting seasons, for example. However, the submission indicates the proposed use of low noise vibratory pile driving methods, the timing of which could be restricted if required. As such, subject to satisfactory mitigation, residual impacts in these respects are also considered not likely to be significant.</p>

Selection Criteria	Yes/No	Briefly describe potential impact	Is this likely to result in a significant effect? Please explain
(f) Risk of major accidents and/or disasters which are relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge			
Will there be any risk of accidents during construction, operation or decommissioning of the proposed development which could affect the environment or human health?	Yes	As a construction project located on the coast, and as an operational pier, there is an inherent risk of accidents	<p>It is not unreasonable to consider that construction work and subsequent operational activities undertaken from the site will need to be carried out in accordance with the relevant health and safety requirements for this type of development. In addition, marine licence requirements will have the potential to mitigate against risk to the environment, during both construction and operation.</p> <p>Consequently, the effects in this regard are considered unlikely to be significant</p>
(g) Risk to human health			
Will the construction, operation or decommissioning phases of the proposed development involve the use, storage, transport, handling or production of substances or materials which could be harmful to human health?	No, not as far as is known		

Schedule 3 Selection Criteria	Yes/No	Briefly describe potential impact	Is effect likely to result in a significant effect? Please explain
Location of the Development			
(a) Existing and approved land use			
Are there existing and/ or approved land uses in the locality of the proposed development site which could be affected by the proposed development?	Yes	There are a number of residential properties within reasonable proximity of the site	<p>Given the scale and nature of development proposed, it is considered that likely impacts from the construction phase of the development could be satisfactorily addressed by the use of appropriate conditions on any planning permission.</p> <p>The proposal is designed to be a replacement for an existing facility. Even taking into account the proposed increase in scale, it is considered that the effects of the operational use of the proposal would be unlikely to be materially different to those of the existing pier.</p> <p>Transportation of materials and plant is proposed to take place through Eriskay, from local quarry sources and contractor yards. This would require transportation through narrow access roads to the pier location, which may lead to localised damage and reinstatement remedial works to the local access roads may be required. It is proposed that this would be in accordance with CnES standard roads specification documentation and that condition surveys would be carried out before and after works. Accordingly, overall, it is considered that effects would be unlikely to be significant in these respects.</p>
(b) Relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground			
Are there any areas on or around the location of the proposed development and its underground which contain important, high quality or scarce resources which could be affected by the proposed development?	Yes	The intertidal zone	<p>The scale of the project is relatively modest and the area is not subject to specific designation.</p> <p>Site investigation generally found rock head approximately 8.5 to 9.5m below deck level within the existing deck footprint area.</p> <p>The separate requirement for a ML provides a suitably robust mechanism for ensuring that impacts on this area would be carefully considered and controlled.</p> <p>Overall, no significant effects in relation to terrestrial planning are considered likely in terms of resources.</p>
(c) Absorption capacity of the natural environment			
Are there any areas on or around the application site that are protected under international or national legislation for their ecological, landscape, cultural heritage or other value which could be affected by the construction, operation or decommissioning of the proposed development?	Yes	The site is within the Sound of Barra SCI. Having regard to the pre-application consultation response from NatureScot, it is considered that the proposal would have a likely significant effect on the SCI for reefs and harbour seals, but that it would not have an adverse effect on site integrity	<p>An Appropriate Assessment will be required to be undertaken, as part of the formal planning process. However, at this stage, the comments from NatureScot indicate that:</p> <p><i>We do not hold any detailed surveys of this location but broadscale biotope mapping of the site shows that there is reef and mud habitats located around the proposed works. Mud is not a qualifying feature and need no further consideration. Any reef habitat below the pier is likely to be of lesser quality due to shading effects of the existing pier and as the proposed concrete pier will cover the same footprint which is very small in extent. Considering this we advise that the proposal will not compromise any of the conservation objectives for the site for reef or subtidal sandbank.</i></p> <p><i>There are records of harbour seals hauled out on the southern shore of Acairseid Mhòr directly opposite</i></p>

			<p>the harbour. If they are present during piling works it is likely to cause disturbance. We advise that piling does not take places during sensitive moulting and pupping periods, if seals are present. Harbour seals pup during May and June and moult between July and September.</p> <p>Contrary to the details in the advice above, the proposed pier would occupy a larger footprint than the existing structure. However, the resulting pier would still be relatively modest in size. In addition, some degradation of the seabed in and around the pier is considered probable anyway as, in addition to the occasional hydrocarbon leak from older fishing boats and re-fuelling, over the years there will have been a fair amount of dead or imperfect shellfish disposed of into the water, when boats are alongside packing catches for landing.</p> <p>Potential impacts on harbour seals by disturbance during piling works could be satisfactorily mitigated by the use of planning conditions, restricting such works during sensitive moulting and pupping periods (May to September) and in relation to construction methods.</p> <p>Overall, in light of these considerations, it is considered that the residual effects on the SCI and its qualifying features is not likely to be significant. However, an Appropriate Assessment under the Habitats Regulation Appraisal Regulations will still be required.</p>
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology which could be affected by the proposed development? Particular attention should be paid to the following areas: (i) wetlands, riparian areas, river mouths; (ii) coastal zones and the marine environment; (iii) mountain and forest areas; (iv) nature reserves and parks.	Yes	The site is located in a coastal zone	<p>The scale and nature of the project is relatively modest. As considered above, and subject to standard and reasonable environmental mitigation measures being put in place, impacts in these respects are considered unlikely to be significant. In addition, the separate requirement for a Marine Licence provides a suitably robust mechanism for ensuring that impacts on this coastal area and the marine environment would be carefully considered and controlled.</p>
Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora which could be affected by the proposed development?	Yes	There are otters and golden eagles in the area and there is the potential for the works to have impacts on these species.	<p>The Screening request submission includes an Otter Survey Report.</p> <p>The pier was surveyed for otters, but no evidence of holts or lie-ups within 300m of the pier was found, although a well-used otter run exists to the east of the existing pontoon. Otters are almost certainly using the area to feed in and, although there would be disturbance during construction of a new pier, the report concludes that it would not adversely affect the local otter population, as there are alternative areas to feed in close by, on the east coast of the island, and they could also use the existing area outside working hours, when noise disturbance would be at a more normal level.</p> <p>Golden Eagles also nest within the general vicinity of Acairseid Mhor. The report indicates that, depending on the noise levels above water, the proposed works may affect them during the breeding season and, most significantly, during the early breeding season when nest building or egg laying. However, it is considered that significant impacts in this regard</p>

			could be avoided, if necessary, by the use of appropriate planning conditions to restrict the timing of works. The ML process could potentially control impacts on flora and other species of fauna within the intertidal zone. Consequently, overall, it is considered that the proposal would be unlikely to have a significant effect on protected, important or sensitive species.
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources which could be affected by the proposed development?	No		
Are there any areas on or around the location of the proposed development where environmental quality standards are already exceeded which could be affected by the proposed development?	No		
Are there any areas on or around the location which are densely populated which could be affected by the proposed development?	No		
Is the proposed development in a location where it is likely to be visible to many people?	No		
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the proposed development?	Yes	Core Path 30 runs around the bay and links to a path on the Wider Path network to the summit of Beinn Stac	The Core Path uses the existing road around the bay and joins the township road at a junction to the west of the existing pier. Whilst the proposal would be visible to users of the Core Path and Wider Path network, it would not directly impact on these paths and it is considered that significant effects in these regards are not likely.
Are there any areas of local landscape or scenic value on or around the location which could be affected by the proposed development?	No	The site is outwith any landscape designations. The South Uist Machair National Scenic Area extends into the coastal area to the south of South Uist, but this area would be visually and geographically separated from the proposal by some considerable distance and intervening landmass.	
Are there any areas of features of historic, cultural or archaeological value on or around the location which could be affected by the proposed development?	Yes	A number of non-designated heritage assets exist within the vicinity of the site. A shipwreck also lies within the sea some way to the east of the site.	Given the separation distances involved, significant impacts on the shipwreck to the east of the site are considered unlikely. The site has previously been subject to significant redevelopment, to establish the initial pontoon provision, lorry access and gear storage area several years ago. However, given the evidence of previous historic occupation in the vicinity of the site, some impact in relation to the historic environment is considered possible. Following informal discussion with the Comhairle Archaeology Service, having regard to the existing and proposed development,

			and the context of the site, it is considered that a Desk Based Assessment of potential archaeological significance should be undertaken, which should take account of the results of any marine survey data, if available. This would establish the need or otherwise for any further evaluation. Subject to such mitigation, which could be secured by planning condition, impacts in this regard are not considered likely to be significant.
Is the proposed development location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions?	Yes	As coastal infrastructure and a replacement pier, within the Outer Hebrides, the development would be affected by coastal water and potentially extreme adverse climatic conditions	Given the nature of the development proposal, effects in these regards are inherent and not unusual. As such, they are not considered likely to be significant.

Schedule 3 Selection Criteria
3. Characteristics of the Potential Impact (this category is to help determine whether any interactions between the character of development and its environment are likely to be significant)
(a) Magnitude and special extent of the impact (for example geographical area and size of the population likely to be affected)
Will the effect extend over a large geographical area, affecting many people and resulting in social changes, e.g. in demography, traditional lifestyles, employment?
No
(b) Nature of impact
Is the development located within or close to any other areas which are protected under international, EU, or national or local legislation for their ecological, landscape, cultural or other value, which would be significantly affected by the development?
No. Whilst the site is partly located within the Sound of Barra SCI the proposal is not considered likely to have a significant affect in this regard, for the reasons set out above.
(c) Transboundary nature of the impact
Will there be any potential for transboundary impact?
No
(d) Intensity and complexity of the impact
Is there a risk that environmental standards will be breached?
No
(e) Probability of the impact
Is there a high or low probability of a potentially highly significant effect?
Given the findings above, where no residual significant affects are considered likely, there is considered to be a low probability of a potentially highly significant effect.
(f) Expected onset, duration, frequency and reversibility of the impact
Will the effect be permanent, continuous or irreversible?
No residual significant affects are considered likely
(g) Culmination of the impact with the impact of other existing and/or approved development
Will the Project have cumulative effects, due to its proximity to other existing or planned Projects with similar effects?
No

(h) Possibility of effectively reducing the impact

Will there be any significant adverse effects on any aspect of the environment during the construction and operational phases of the development, has the developer included mitigation measures to avoid, prevent, repair or reduce the potential impact?

Mitigation measures have been identified, which can be secured by planning condition, which would be avoid or reduce potential impacts. Further mitigation measures may be available through the Marine Licensing process.

EIA is not required

Please provide your reasoning:

The intertidal zone is an important environment and development within it could have significant effects. However, in this particular case, the size of area involved is relatively modest and the scale and type of works proposed are relatively limited and not complex in their method or use of materials. The proposal would be a replacement of an existing pier and, whilst larger than the existing, the development once completed is likely to be comparable in its impact and not materially different in effect. Separate mechanisms, outwith the planning process, would control the operation of marine vessels using the development. Taking all these matters into account, it is considered that the operational use of the development is unlikely to have significant effects on the environment.

The construction phase of the development has the potential for significant effects. However, the submitted details indicate that the scale of works would be relatively modest. As such, the timescale for construction is likely to be limited in duration and it is considered that suitable mitigation measures could be provided to prevent adverse impacts in terms of displacement and disturbance on species that may use the site, such as otter, golden eagle, harbour and common seal, as well as on those living and working near the site. Such mitigation could involve the preparation and implementation of a Construction Environmental Management Plan (CEMP). The CEMP would have the potential to control the method and timing of piling works, minimising potential noise and vibration impacts and pollution risks, control work methods to avoid unacceptable adverse impacts on flora and fauna (including protected, important or sensitive species), and control the level and type of external lighting on the site. Potential impacts on non-designated heritage assets, including archaeological remains, could be addressed by a Desk Based Assessment, with further evaluation if demonstrated to be required. Subject to such mitigation

measures, which could be secured through the use of planning conditions, the environmental impacts of the proposed works are not considered likely to be significant.

In addition, the development proposed would also require a marine licence from Marine Scotland and would be subject to assessment and control through that licencing regime. As a result, it is considered that this separate mechanism would ensure that the potential effect of the development on the marine environment would be appropriately considered and evaluated.

Overall, it is considered that the development proposed would not be likely to have significant effects on the environment and would therefore not be EIA development.

NatureScot

Dear Judith,

Apologies for the confusion. It seems the marine EIA regs are unique in requiring consultees to qualify whether EIA is required, I was not aware of this.

We can only comment on potential environmental effects of the proposal that relate to our remit. In relation to the protected species and sites outlined in our email below, we advise that potential effects that need to be considered would not require an EIA.

Vibro piling also generates vibration and noise that could disturb cetaceans so our advice relating to EPS cetaceans and harbour seals remains the same. We have discussed our concerns with the developer and will be submitting a conditioned response to the planning application.

If you need any further information please let Brodie Thomas know,

Deagh dhùrachd,

Patrick

Patrick Hughes | Operations officer, Outer Hebrides

NatureScot | Stilligarry, South Uist, Western Isles, HS8 5RS | [REDACTED]

NàdarAlba | Stadhlàigearraidh, Uibhist a Deas, Na h-Eileanan Siar, HS8 5RS

nature.scot | [@nature_scot](https://twitter.com/nature_scot) | *Scotland's Nature Agency* | *Buidhean Nàdair na h-Alba*

From: [REDACTED]
Sent: 06 February 2023 15:50
To: MS Marine Licensing <MS.MarineLicensing@gov.scot>
Cc: [REDACTED]
Subject: SCR- 0052 - COMHAIRLE NAN EILEAN SIAR – REPLACEMENT PIER, ERISKAY

Dear Maureen,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("the EIA Regulations")

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

SCR- 0052 - COMHAIRLE NAN EILEAN SIAR – REPLACEMENT PIER, ERISKAY

Thank you for your consultation regarding the Environmental Impact Assessment (EIA) Screening Opinion for the above proposal.

NatureScot Advice – EIA screening

It is NatureScot's policy that EIA screening decisions must be made solely by the competent authority. Our role at this stage is to advise you on the environmental receptors within our remit which may be affected by the proposal and which should be assessed, whether through EIA or other means.

Screening advice

1. Protected sites:

1. Sound of Barra Special Area of Conservation (SAC)

The proposal lies within the Sound of Barra SAC designated for subtidal sandbanks, reefs and harbour seal populations.

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 SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the [legislative requirements](#).

We advise that the proposal has the potential to have a likely significant effect on the harbour seal feature of the SAC. The 2016 -2019 seal counts show harbour seals using haul outs within a 250-350m radius of the proposed works. Noise and vibration generated from pile driving will be necessary to carry out the construction and **this has the potential to disturb** harbour seals at these haul outs. The timings of pile driving should be carefully considered to avoid no adverse effects on this feature.

We advise that, based on the information provided, the proposal will have no likely significant effects on either the reef or subtidal sand bank features of the site. The replacement pier will broadly cover the same area as the previous pier. The broad habitat survey of the area shows that there are **no subtidal sandbanks** near the proposed works but there are reefs composed of kelp on infralittoral rock, patches of dense ascophylum and white lichens. The shading effect of the existing pier means that any reef habitat in the vicinity is likely to be of low quality. Considering this and the environmental measures taken to reduce any negative impacts (e.g. sedimentation and pollution). We advise that **significant effects are not likely** for the reef feature of the SAC.

2. European Protected Species (EPS)

The proposal has the potential to disturb cetaceans. Several species of cetaceans occur regularly in the Sound of Barra just east of Arcaiseid including Risso's dolphin and Harbour porpoise. Harbour porpoise are resident in the region throughout the year while other species occur more frequently during the summer and autumn months.

All Cetaceans are EPS and as such are strictly protected under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"). It is likely cetaceans could be affected by the proposal's construction phase, therefore you should request that the applicant submits a species protection plan before determining an application. The key consideration in assessing impacts on EPS will be underwater noise generated during the construction phase of the development. The pile driving operations have the potential to cause injury or disturbance to cetaceans. To inform the SPP we advise the applicant refers to the most recent version of JNCC's *'Statutory Nature Conservation Agency Protocol for Minimising the Risk of Injury to Marine Mammals from Piling Noise'* when drawing up a mitigation plan (available to download from http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Piling%20protocol_August%202010.pdf). It may be that an EPS licence is required prior to piling operations should the SPP be unable to mitigate for disturbance.

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

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

Yours sincerely,

Brodie Thomas | Operations Officer -West

NatureScot | Great Glen House | Leachkin Road | Inverness



By email to:

MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

T: 0131 886 871

Our case ID: 300063284
Your ref: SCR- 0052
09 February 2023

Dear Marine Scotland

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 ("the EIA Regulations")
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
Eriskay - Acairsaid Pier Replacement Works
EIA Screening

Thank you for your consultation which we received on 20 January 2023 about the above EIA Screening. 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 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.

The Development

We understand that the proposed development would be the replacement of Acairsaid Pier, Eriskay.

Our Advice

We are content that no environmental impact assessment will be required for our interests.

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-](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes)

[historic-environment-guidance-notes](http://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://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Mary MacLeod Rivett and they can be contacted by phone on 0131 668 8710 or by email on Mary.MacLeod@hes.scot.

Yours faithfully

Historic Environment Scotland

