

Staffin Community Trust
Church of Scotland Annexe
Staffin
Isle of Skye
IV51 9JX

Date: 11 February 2026

Dear Mr Gordon,

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

Thank you for your screening opinion request dated 27 November 2025 in regards to the proposed variation to Staffin Harbour Development, including hardstanding, breakwater and slipway construction, deposit of pontoons and moorings and removal of existing breakwater at Òb nan Ron, Garafad, Staffin ("the Proposed Works").

The Proposed Works are to be undertaken as part of Staffin Harbour Development ("the Licensed Works"), for which the most recent marine licence was granted on 8 March 2024. The Licensed Works are part of an Environmental Impact Assessment ("EIA") project, therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"). The Proposed Works are being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment ("EIA") project under the 2017 MW Regulations.

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

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must 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 Licensed Works currently have a marine licence which is valid until 31 May 2026. The Proposed Works are to extend the duration of the marine licence and to vary the design and position of the construction elements. In the detailed design process it highlighted the vulnerability of the breakwater to storms and budget constraints mean a licence variation is required. Works have already begun on the hardstanding area. The project components retain the same quantities of materials and lie within the same boundary. Aside from the layout the main differences of the variation are the retention of part of the existing breakwater

and the introduction of underwater noise due to rock breaking being required to create a 'toe trench' around the perimeter of the breakwater to prevent the rock armour stones from sliding.

The Proposed Works involves constructing a new 164 metre breakwater made of rock armour and rock fill to create sheltered berthing. Floating pontoons will be installed and will provide access via a galvanised steel bridge from the newly created hardstanding area. The pontoons will be fitted with water and electrical connections and include a fuel berth supplied by a diesel storage facility onshore. A new concrete slipway, 10 metres wide and 66 metres long will be constructed. The existing slipway will remain in place for temporary berthing and will be tied into the new slipway design. To expand the available onshore area 2,550 m² of new hardstanding will be reclaimed. 63 metres of the northern section of the existing breakwater will be dismantled and the recovered rock armour and fill will be reused in the new structure.

NatureScot advised that the level of detail provided in the original Construction Environmental Management Document ("CEMD") was not sufficient to allow it to assess the residual risk of wash-out of gravel fill occurring for the breakwater element of the project. NatureScot subsequently agreed mitigation measures with the applicant to reduce the risk of wash out and this is reflected in the submitted Breakwater Construction Method Statement ("BWCMS"). The design of the breakwater has been amended since the original consent and now extends over a smaller area within the original application boundary.

Location of the works

The proposal is within Inner Hebrides and the Minches Special Area of Conservation ("SAC") protected for its harbour porpoise and An Corran Geological Conservation Review ("GCR") site for its geological and geomorphological features.

NatureScot advised that due to the introduction of underwater noise there will be a likely significant effect on the harbour porpoise feature of the Inner Hebrides and the Minches SAC. The revised methods include underwater rock pecking which will increase underwater noise and underwater noise modelling hasn't been carried out, but implementation of recognised mitigation measures will ensure the risk is negligible. The mitigation measures proposed will minimise disturbance and due to the short duration and location of the works near the shore the Proposed Works will not adversely affect the integrity of the site. NatureScot state that the mitigation measures set out in the BWCMS are sufficient to protect An Corran GCR. NatureScot concluded that no further environmental assessment is required on the effect of the Proposed Works on the environment.

HES advised that due to the reduced scale of the Proposed Works it does not increase the level of effects on historic environment assets. HES concluded that there will be no significant effects and does not consider the Proposed Works to be an EIA development.

Characteristics of the potential impact

The Highland Council advised that the nature and scale of the changes and the revised layout is not considered to introduce new or greater significant environmental effects beyond those already identified and mitigated through the original EIA. It acknowledged there is no change to materials, quantities, or construction methods, and the works remain within the existing marine licence boundary already assessed. Therefore the environment and relevant receptors are unchanged, and the established mitigation measures remain applicable and

sufficient. Highland Council concluded that a further EIA is not required for the Proposed Works.

SEPA referred to its standing advice within its response and indicated that it had no site specific comments to make in respect of 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, changes to the EIA are 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 Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website at: <https://marine.gov.scot/?q=node/27188>.

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

Yours sincerely,

[Redacted]

Gerry Millar
Marine Directorate - Licensing Operations Team