

## 3. Project Description

### 3.1 Current Ferry Timetable for Uig



# NORTH UIST

TEXT CODE 22

UIG (SKYE) - LOCHMADDY (NORTH UIST)

Table 22



Operates 29 March - 3 May and 10 September - 20 October				
DAY	Uig Depart	Lochmaddy Arrive	Lochmaddy Depart	Uig Arrive
MON	0930	1115	1145	1330
	1830	2015	-	-
TUE	-	-	0715	0900
	1400	1545	1615	1800
WED	0930	1115	1145	1330
	1930	2115	-	-
THU	-	-	0715	0900
	1400	1545	1615	1800
FRI	0930	1115	1145	1330
	1830	2015	-	-
SAT	-	-	0730	0915
	1430	1615	1645	1830
SUN	-	-	1100	1245
	1835	2020	-	-
Operates 4 May - 09 September				
DAY	Uig Depart	Lochmaddy Arrive	Lochmaddy Depart	Uig Arrive
MON	0930	1115	1145	1330
	1830	2015	-	-
TUE	-	-	0715	0900
	1400	1545	1615	1800
WED	0930	1115	1145	1330
	1930	2115	-	-
THU	-	-	0715	0900
	1400	1545	1615	1800
FRI	0930	1115	1145	1330
	1830	2015	2040 A	2225 A
	2240 AB	0025 AB	-	-
SAT	-	-	0730	0915
	1430	1615	1645	1830
SUN	0930	1115	1145	1330
	1835	2020	2040	2225

## CODE

<b>A</b>	Operates from 21 June - 30 Aug only
<b>B</b>	Arrives following morning

## NOTE

Check-in closes for vehicles 45 minutes and passengers 30 minutes prior to departure
Commercial vehicle bookings are handled at individual ports. When calling your selected port to make a commercial vehicle booking, please select option 2 on a touch-tone phone. Contact Uig port office on 01470 22016 or Lochmaddy on 01876 522509
For information on bus services in this area, contact Traveline on 0871 200 2233 or visit <a href="http://www.traveline.info">www.traveline.info</a>

## FARES

UIG - LOCHMADDY	Single	Return
Driver/passenger	£6.50	£13.00
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.25	£6.50
Car or 4x4 (excludes driver)	£31.65	£63.30
Motorhome (excludes driver)	Up to 6m	£31.65
	Up to 8m	£47.50
	Up to 10m	£63.30
Caravan, boat/baggage trailer	Up to 2.5m	£15.85
	Up to 6m	£31.65
	Up to 8m	£47.50
Motorcycle	£15.85	£31.70
Pedal cycles (restricted numbers)	Free	Free
LOCHMADDY - TARBERT	Single	Return
Driver/passenger	£6.75	£13.50
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.40	£6.80
Car or 4x4 (excludes driver)	£33.25	£66.50
Motorhome (excludes driver)	Up to 6m	£33.25
	Up to 8m	£49.90
	Up to 10m	£66.50
Caravan, boat/baggage trailer	Up to 2.5m	£16.65
	Up to 6m	£33.25
	Up to 8m	£49.90
Motorcycle	£16.65	£33.30
Pedal cycles (restricted numbers)	Free	Free

This route is not valid via Uig (SKYE)

Groups of 6 or more pedal cycles must inform the relevant port office in advance of travel. It should be noted that as we may not be able to offer the first sailing of choice, therefore groups may not always be able to travel together

Light goods vehicles exceeding 6 metres in length or 3.5 tonnes in weight, or 3 metres in height, or 2.3 metres in width are charged at commercial vehicle rate



# NORTH UIST

TEXT CODE 22

## UIG (SKYE) - LOCHMADDY (NORTH UIST)

Table 22

DAY	Uig Depart	Lochmaddy Arrive	Lochmaddy Depart	Uig Arrive
MON,	0940	1125	1150	1335
WED, FRI	1800	1945	-	-
TUE,SAT	-	-	0730	0915
	1400	1545	1610	1755
THU	-	-	0730	0915
	0940	1125	1150	1335
SUN	-	-	1115	1300
	1430	1615	-	-
<b>OPERATES 26 DECEMBER 2018 AND 2 JANUARY 2019 ONLY</b>				
DAY	Lochmaddy Depart	UIG Arrive	UIG Depart	Lochmaddy Arrive
WED	0730	0915	1400	1545

### CODE

A	Departs for Tarbert, arriving 1930
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### NOTE

All vehicle drivers and their passengers must be in possession of a valid travel ticket and be available for boarding no later than 45 minutes before departure otherwise travel cannot be guaranteed. Foot passenger check-in closes 30 minutes before departure

No service 25 December and 1 January

Commercial vehicle bookings are handled at individual ports. When calling your selected port to make a commercial vehicle booking, please select option 2 on a touch-tone phone. Contact Uig port office on 01470 220116 or Lochmaddy on 01876 522509

### FARES

UIG - LOCHMADDY	Single	Return
Driver/passenger	£6.30	£12.60
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.15	£6.30
Car or 4x4 (excludes driver)	£30.90	£61.80
Motorhome (excludes driver)	Up to 6m	£30.90
	Up to 8m	£46.35
	Up to 10m	£61.80
Caravan, boat/baggage trailer	Up to 2.5m	£15.45
	Up to 6m	£30.90
	Up to 8m	£46.35
Motorcycle	£15.45	£30.90
Pedal cycles (restricted numbers)	Free	Free
LOCHMADDY - TARBERT	Single	Return
Driver/passenger	£6.55	£13.10
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.30	£6.60
Car or 4x4 (excludes driver)	£32.45	£64.90
Motorhome (excludes driver)	Up to 6m	£32.45
	Up to 8m	£48.70
	Up to 10m	£64.90
Caravan, boat/baggage trailer	Up to 2.5m	£16.25
	Up to 6m	£32.45
	Up to 8m	£48.70
Motorcycle	£16.25	£32.50
Pedal cycles (restricted numbers)	Free	Free
This route is not valid via Uig (SKYE)		

Groups of 6 or more pedal cycles must inform the relevant port office in advance of travel. It should be noted that as we may not be able to offer the first sailing of choice, therefore groups may not always be able to travel together

Light goods vehicles exceeding 6 metres in length or 3.5 tonnes in weight, or 3 metres in height, or 2.3 metres in width are charged at commercial vehicle rate



# HARRIS

TEXT CODE 24

## UIG (SKYE) - TARBERT (HARRIS)

Table 24



Operates 29 March - 3 May and 10 September - 20 October

DAY	Uig Depart	Tarbert Arrive	Tarbert Depart	Uig Arrive
MON	-	-	0720	0900
	1410	1550	1620	1800
TUE	0930	1110	1140	1320
	1830	2010	-	-
WED	-	-	0720	0900
	1410	1550	1620	1800
THU	0930	1110	1140	1320
	1830	2010	-	-
FRI	-	-	0720	0900
	1410	1550	1620	1800
SAT	0950	1130	1210	1350
	1900	2040	-	-
SUN	-	-	0845 A	1245 A
	1415	1555	1625	1805
	1835 A	2230 A	-	-

Operates 4 May - 09 September

DAY	Uig Depart	Tarbert Arrive	Tarbert Depart	Uig Arrive
MON	0515	0655	0720	0900
	1410	1550	1620	1800
TUE	0930	1110	1140	1320
	1830	2010	-	-
WED	-	-	0720	0900
	1410	1550	1620	1800
THU	0930	1110	1140	1320
	1830	2010	-	-
FRI	-	-	0720	0900
	1410	1550	1620	1800
SAT	0950	1130	1210	1350
	1900	2040	2110	2250
SUN	1415	1555	1625	1805

### CODE

A	Operates via Lochmaddy 31 March - 28 April and from 15 September - 20 October
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### NOTE

Check-in closes for vehicles 45 minutes and passengers 30 minutes prior to departure

Commercial vehicle bookings are handled at individual ports. When calling your selected port to make a commercial vehicle booking, please select option 2 on a touch-tone phone. Contact Uig port office on 01470 220116 or Tarbert on 01859 570376

For information on bus services in this area, contact Traveline on 0871 200 2233 or visit [www.traveline.info](http://www.traveline.info)

### FARES

UIG - TARBERT	Single	Return
Driver/passenger	£6.50	£13.00
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.25	£6.50
Car or 4x4 (excludes driver)	£31.65	£63.30
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	Up to 8m	£47.50
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Motorcycle	£15.85	£31.70
Pedal cycles (restricted numbers)	Free	Free

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# HARRIS

TEXT CODE 24

## UIG (SKYE) - TARBERT (HARRIS)

Table 24

				
DAY	Uig Depart	Tarbert Arrive	Tarbert Depart	Uig Arrive
MON	-	-	0730	0910
WED	1400	1540	1600	1740
FRI	0940	1120	1150	1330
TUE	1815	1955	-	-
SAT	1500	1640	-	-
THU	-	-	0900 A	1300 A
SUN	1430 A	1820 A	-	-
<b>OPERATES 26 DECEMBER 2018 AND 2 JANUARY 2019 ONLY</b>				
DAY	UIG Depart	Tarbert Arrive	Tarbert Depart	UIG Arrive
WED	0940	1120	1150	1330

### CODE

A	Operates via Lochmaddy
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### NOTE

All vehicle drivers and their passengers must be in possession of a valid travel ticket and be available for boarding no later than 45 minutes before departure otherwise travel cannot be guaranteed. Foot passenger check-in closes 30 minutes before departure

No service 25 December and 1 January

Commercial vehicle bookings are handled at individual ports. When calling your selected port to make a commercial vehicle booking, please select option 2 on a touch-tone phone.

Contact Uig port office on 01470 220116  
or Lochmaddy on 01876 522509

### FARES

UIG - TARBERT	Single	Return
Driver/passenger	£6.30	£12.60
Child 5-15 (Infant under 5 free, must have a valid ticket)	£3.15	£6.30
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Motorhome (excludes driver)	Up to 6m	£30.90
	Up to 8m	£46.35
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	Up to 6m	£30.90
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## 4. Legislative and Planning Context

### 4.1 Technical, topic specific legislation and policy

# Appendix 4.1 – Technical Topic Specific Legislation, Policy and Guidance

## Chapter 8: Marine Water and Sediment Quality

### Water Framework Directive

The Water Framework Directive (WFD) (2000/60/EEC) establishes a framework for the management and protection of Europe's water resources. The overall objective of the WFD is to achieve good status in all inland, transitional (estuarine), coastal and ground waters (out to one nautical mile from the low water mark) by 2015, unless alternative objectives are set and there are appropriate reasons for time limited derogation. It is implemented in Scotland through the Water Environment and Water Services (Scotland) Act 2003 and the Water Environment (Controlled Activities) (Scotland) Regulations 2011, more commonly known as the Controlled Activity Regulations (CAR).

The Proposed Development is located within the Loch Snizort coastal water body (ID: 200141; 120.3 km<sup>2</sup>) in the Scotland river basin district and reported in the Scotland River Basin Management Plan (RBMP; Scottish Government, 2015a). It is necessary to consider whether the Proposed Development might compromise achievement of WFD objectives for this water body, as well as adjacent water bodies.

### Priority Substance Directive

There have been two amendments to the WFD through the development of the Priority Substances Directive (2008/105/EC and 2013/39/EU). Compliance with chemical status objectives under the WFD is assessed in relation to environmental quality standards (EQS) for a specified list of 'priority' and 'priority hazardous' substances. These substances were first established by Directive 2008/105/EC which entered into force in 2009. It sets objectives, amongst other things, for the reduction of these substances through the cessation of discharges or emissions. As required by the WFD and Directive 2008/105/EC, a proposal to revise the list of priority (hazardous) substances was submitted in 2012. Subsequently, an updated Priority Substances Directive (2013/39/EU) was published in 2013, identifying new priority substances, setting EQSs for those newly identified substances, revising the EQS for some existing substances in line with scientific progress and setting biota EQSs for some existing and newly identified priority substances.

### Shellfish Waters Directive

The Shellfish Waters Directive (2006/113/EC) was repealed in December 2013 and subsumed within the WFD. In Scotland, it has been replaced by the Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 which came into force on 22 December 2013, and subsequently updated in 2016. The Order identifies 85 coastal areas as shellfish water protected areas which are identified on a series of maps. The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013 make provisions in relation to the setting of environmental objectives and the programme of measures to be applied to these protected areas. The Scotland River Basin District (Quality of Shellfish Water Protected Areas) (Scotland) Directions 2015 direct SEPA to assess and classify the quality of each shellfish water protected area as either good, fair or insufficient (by reference to specified criteria and standards, as described in Article 3).

## Bathing Water Directive

The revised Bathing Water Directive (rBWD) (2006/7/EC) was adopted in 2006, updating the microbiological and physico-chemical standards set by the original Bathing Water Directive (BWD) (76/160/EEC) and the process used to measure/monitor water quality at identified bathing waters. The rBWD focuses on fewer microbiological indicators, whilst setting higher standards, compared to those of the BWD. Bathing waters under the rBWD are classified as excellent, good, sufficient or poor according to the levels of certain types of bacteria (intestinal enterococci and *Escherichia coli*) in samples obtained during the bathing season (May to September). The BWD was repealed at the end of 2014 and monitoring of bathing water quality has been reported against rBWD indicators since 2015. The new classification system considers all samples obtained during the previous four years and, therefore, data has been collected for rBWD indicators since 2012.

## Nitrates Directive

The Nitrates Directive (91/676/EEC) aims to reduce water pollution from agricultural sources and to prevent such pollution occurring in the future (nitrogen is one of the nutrients that can affect plant growth). Under the Nitrates Directive, surface waters are identified if too much nitrogen has caused a change in plant growth which affects existing plants and animals and the use of the water body. Specifically, the Directive requires Member States to apply agricultural action programme measures throughout their whole territory or within discrete nitrate vulnerable zones (NVZ's). Action programme measures are required to promote best practice in the use and storage of fertiliser and manure.

## Urban Waste Water Treatment Directive

The Urban Waste Water Treatment Directive (UWWTD) (91/271/EEC) aims to protect the environment from the adverse effects of the collection, treatment and discharge of urban waste water. It sets treatment levels on the basis of sizes of sewage discharges and the sensitivity of waters receiving the discharges. It was transposed into legislation in Scotland by the Urban Waste Water Treatment (Scotland) Regulations 1994, amended by the Urban Waste Water Treatment (Scotland) Amendment Regulations 2003.

In general, the UWWTD requires that collected waste water is treated to at least secondary treatment standards for significant discharges. Secondary treatment is a biological treatment process where bacteria are used to break down the biodegradable matter (already much reduced by primary treatment) in waste water. Sensitive areas under the UWWTD are water bodies affected by eutrophication of elevated nitrate concentrations and act as an indication that action is required to prevent further pollution caused by nutrients.

## London Convention 1972 and London Protocol 1996

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, commonly referred to as the London Convention 1972, is one of the first global conventions to protect the marine environment from human activities and has been in force since 1975. The key objective is to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter. In 1996, the London Protocol was agreed to further modernise the London Convention and, eventually, replace it. Under the London Protocol, all dumping is prohibited, except for possibly acceptable wastes on the so-called "reverse list". The London Protocol entered into force on 24 March 2006.

## OSPAR Convention

The Convention for the Protection of the Marine Environment of the North-East Atlantic, commonly referred to as the OSPAR Convention, was open for signature at the Ministerial Meeting of the Oslo and Paris Commissions in Paris on 22 September 1992, and entered into force on 25 March 1998.



The OSPAR Convention embraces a more holistic responsibility for environmental protection in the region, including its biodiversity.

Of particular relevance to the Proposed Development, the Contracting Parties of the OSPAR Convention shall take, individually and jointly, all possible steps to prevent and eliminate pollution by dumping or incineration of wastes or other matter in accordance with the provisions of the Convention. The dumping of all wastes or other matter is prohibited, except for those wastes or other matter listed in Annex II of the Convention which includes dredged material. As required under Annex II (Article 6) of the Convention, Agreement 2014-06 presents the latest guidelines for the management of dredged material at sea (OSPAR Commission, 2014).

## Waste Water Framework Directive

The Waste Framework Directive (WFD) (2008/98/EC), which entered into force on 12 December 2008, provides the legislative framework for the collection, transport, recovery and disposal of waste. It includes a definition of waste, specifically 'any substance or object which the holder discards or intends or is required to discard'. The Directive requires all EU member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements. It establishes the waste hierarchy (Article 4), the main objective of which is the complete prevention of waste. Where waste cannot be avoided, the hierarchy aims for re-use, recycling or recovery of waste, with disposal (whether to landfill or at sea) the least favourable option.

In terms of disposal activity, it was necessary to consider the requirements of the Proposed Development against the waste hierarchy and, subsequently, identify and characterise a proposed new disposal site. Therefore, a Disposal Site Characterisation Report (ABPmer, 2018) has been prepared separately, including reference to the waste hierarchy assessment and rationale for identifying the proposed new disposal site in the outer Uig Bay.

## Habitats Directive

Article 3 of the Habitats Directive (92/43/EEC, as amended) requires the establishment of a European network of important high-quality conservation sites known as Special Areas of Conservation (SACs) that will contribute to conserving habitat and species identified in Annexes I and II of the Directive. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds). When assessing applications, the Competent Authority will consider if the project is likely to have a significant effect on a designated European site (including SACs). Therefore, consideration must be made as to whether the Proposed Development, which includes dredging and disposal activities, could have a significant impact on the notified features of any directly overlapping or nearby designated European sites.

This chapter discusses potential impacts to Marine Water and Sediment Quality as a receptor in its own right. However, this has also been used to inform potential impacts on nature conservation designated sites, marine habitats/species and relevant human uses in their respective chapters.

## Marine Strategy Framework Directive

The Marine Strategy Framework Directive (MSFD) (2008/56/EC) came into force in 2008 and aims to achieve Good Environmental Status (GES) of the marine environment across Europe by 2020. Each Member State is required to develop and implement a marine strategy, reviewed on a six-yearly basis. This should comprise an initial assessment of the current environmental status of its marine waters, a determination of what GES means for those waters, targets and indicators designed to show whether GES is being achieved, a monitoring programme to measure progress towards GES and a programme of measures designed to achieve or maintain GES.

The MSFD was transposed into UK law by the Marine Strategy Regulations 2010 which came into force on 15 July 2010, and which created a clear legal framework for the implementation of the MSFD in the UK. There are 11 'Descriptors' of GES, including (amongst others) seafloor integrity, biological diversity and introduction of energy (e.g. noise). GES will be assessed at the level of the European Marine Regions, of which there are two covering UK waters: Greater North Sea and the Celtic Seas (the Proposed Development is located within the latter). However, given the anticipated scale of effects associated with the Proposed Development, it is considered that reference to the MSFD (and potential assessment) would not be proportionate.

## UK Marine Policy Statement

The UK Marine Policy Statement (HM Government, 2011), prepared for the purposes of Section 44 of the Marine and Coastal Access Act 2009, was adopted by the four UK devolved administrations in March 2011. It provides the framework for preparing Marine Plans (such as Scotland's National Marine Plan; Scottish Government, 2015b) and taking decisions affecting the marine environment in UK territorial waters, including marine dredging and disposal. There are also a number of UK National Policy Statements that provide more detailed guidance for specific sectors including ports (Department for Transport, 2012).

## Scotland's National Marine Plan

Scotland's National Marine Plan (Scottish Government, 2015b) is a single framework, enabling the sustainable development of Scotland's marine area in a way which will protect and enhance the marine environment whilst ensuring the sustainable growth of both existing and emerging marine industries. It covers Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles), developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009. Of particular relevance to this chapter, General Policy 12 (GEN 12; Water quality and resource) of Scotland's National Marine Plan states that developments and activities should not result in a deterioration of the quality of waters to which the WFD, MSFD or other related Directives apply.

## Chapter 9: Flood Risk and Climate Change

### Overarching Legislation

A number of specific regulations have been enacted to implement the statutory European and national legislation into UK law - these regulations include:

- EU Directive 2000/60/EC (Water Framework Directive (WFD)), transposed into the Water Environment and Water Services Act (Scotland) 2003 ('the WEWS Act');
- Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) in respect of discharges to surface or groundwater ('the CAR Regulations'); and,
- Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 ('the Flood Risk Management Act').

This legislation aims to protect and enhance the status of aquatic ecosystems, prevent further deterioration to such ecosystems, promote sustainable use of available water resources, and contribute to the mitigation of floods and droughts.

### National Policy and Guidance

Planning Advice Notes (PANs) provide national guidance on various topics and Scottish Environment Protection Agency (SEPA) has produced a number of guidance documents covering a range of environmental issues. Those documents relevant to the water environment are listed below:

- Scottish Government. (2014). Scottish Planning Policy (SPP).
- Scottish Executive Environment and Rural Affairs Department and the Scottish Environment Protection Agency (SEPA) (Revised 2006). Planning Advice Note 51 - Planning, Environmental Protection and Regulation Scottish Environment Protection Agency. (2015). Technical Flood Risk Guidance for Stakeholders.
- SEPA. (2017). Planning Background Paper - Flood Risk.
- SEPA. (2017). Land Use Planning System SEPA Development Plan Guidance Note 2a - Development Management Guidance: Flood Risk.
- SEPA. (2018). Land Use Planning System SEPA Guidance - Flood Risk and Land Use Vulnerability Guidance.
- Scottish Natural Heritage (SNH), (2013). A Handbook on Environmental Impact Assessment.

### Scotland's National Marine Plan

Scotland's National Marine Plan exists under the requirements of the both the Marine (Scotland) Act 2010 (which governs Scotland's inshore waters) and by the Marine and Coastal Access Act 2009 (which governs Scotland's offshore waters).

The plan contains both general and topic specific policies, the policies that are of relevance to the Proposed Development are:

- "GEN 5 Climate change: Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change."

- “GEN 8 Coastal process and flooding: Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding”

### Highland Wide Local Development Plan (2012)

The Highland Wide Local Development Plan was adopted in April 2012. The Plan sets out the council’s stance on what development should take place within the area and its policy preferences. Site specific proposals are included and the purpose of the plan is to guide development and any changes in land use in a manner that will serve the public interest.

The following policies are relevant to the Proposed Development:

- Policy 49 Coastal Development – “The site should not be at risk from coastal erosion or flooding or cause an unacceptable impact as a result of natural coastal processes which it triggers or accentuates. In relation to medium or high flood risk areas: water-based uses and sub-sea cables may be acceptable; and essential infrastructure, which cannot be located elsewhere, may be acceptable, both subject to mitigation, as appropriate.”
- Policy 64 - Flood Risk – “Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.”

### West Highland and Islands Proposed Local Development Plan (WestPlan) (2017)

The West Highland and Islands Proposed Local Development Plan (WestPlan) is currently being developed by the local planning authority. A consultation document (Main Issues Report) has been produced in order to highlight early issues which will be considered within the finalised LDP. Once the LDP is adopted this will replace the current Local Plan.

The LDP is similar to a Local Plan in that it sets out a vision and strategy for how an area, including its towns, villages and countryside, should be developed over time. It also includes policies and guidance to manage the process of development and ensure that environmental, social and economic interests are all taken into account.

The LDP for Uig shows that the site of the Proposed Development is designated for mixed use development and is seen as a potential opportunity for development and enhancement of the area as part of the works to upgrade the pier. Flood risk must be considered however, to ensure development is suitable to the level of flood risk.

One of the listed placemaking priorities for Uig is to “Encourage and safeguard crofting interests and, in particular, in bye croft land.”

### West Highland and Islands Local Plan As Continued in Force 2012)

The West Highland and Islands Local Plan was adopted in September 2010 and continued in force in 2012. The Plan is currently retained until it is replaced by the WestPlan.

## Chapter 10: Ground Conditions, Contamination and Waste

Redevelopment of brownfield land must take into account the regulatory context of the work, provide information that is appropriate for the proposed development, and be in accordance with UK good practice.

### National Legislation

The regulation and management of land contamination throughout the UK is enacted through Part IIA of the Environmental Protection Act 1990. The Act sets out a regulatory framework for the identification and remediation of contaminated land and includes a statutory definition for contaminated land: *“land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be, caused.”*

The Act is developed by the Contaminated Land (Scotland) Regulations 2000 (Ref 10.1) and the Contaminated Land (Scotland) Regulations 2005 (Ref 10.2), which form the current basis for regulation of contaminated land (and the water environment) by the local authority (and under some circumstances, SEPA).

Along with PAN 33 (Planning Advice Note 33: Development of Contaminated Land (Revised 2000)) (Ref 10.3), the Act embraces a risk-based “suitable for use” approach, which is defined within PAN 33 as *“ensuring that land is made suitable for any new use [by] assessing the potential risks from contamination upon the basis of the proposed future use and circumstances, ... and, where necessary, to avoid unacceptable risks to human health or the wider environment, remediating the land before the new use commences”*.

Legislation aimed at protecting water environment receptors from contamination include the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (Ref 10.4), while the Control of Substances Hazardous to Health (COSHH) Regulations (2002) (Ref 10.5) and the Construction, Design and Management (CDM) Regulations (2015) (Ref 10.6) place specific duties on the designer, THC and contractors to protect employees and other persons from the hazards of substances and ensure health, safety and welfare are prioritised during construction projects.

While the Proposed Development does not necessarily constitute an overall change in the existing use of the site area, this assessment has embraced the basis of the above approach and has been prepared within the context of the Proposed Development.

Geological and geomorphological features of importance are protected via designation as Sites of Special Scientific Interest (SSSI) or Regionally Important Geological Sites (RIGS), administered and monitored by Scottish Natural Heritage (SNH).

### Planning Policy Context

Within Scotland, the management of contaminated or potentially contaminated land is regulated under two regimes: the Contaminated Land Regime, which implements the provisions of Part 2A of the Environmental Protection Act (EPA) 1990 (Ref 10.7) (as inserted by section 57 of the Environment Act 1995 (Ref 10.8) and the Planning Regime, implementing the Town and Country Planning Act (Scotland) 1997 as amended by The Planning etc. (Scotland) Act 2006 (Ref 10.9).

Whilst the Contaminated Land Regime and the Planning Regime are distinct regimes, there is considerable overlap between the two in that both are underpinned by the risk-based ‘suitable for use’ approach, which the Scottish Government considers as the most appropriate to deal with historic

contamination. The purpose of the Contaminated Land Regime is to investigate, identify and if necessary remediate contaminated land to ensure that it is suitable for its current use. The management of contaminated land within the Planning Regime is achieved by assessing risks posed by contamination in relation to the proposed use of the site and ensuring that it is suitable for use before planning permission is granted. Under both regimes, it is the existence of potentially unacceptable risk due to contamination, rather than the presence of contamination alone that is the 'driver' for remedial action.

Under Part 2A of the EPA, sites are identified as 'contaminated land' if they are: (a) causing significant harm, or if there is a significant possibility of such harm, or (b) if the site is causing, or could cause, pollution of controlled waters. A revision to the wording of the EPA by the Contaminated Land (Scotland) Regulations 2005 (Ref 10.2) has modified definition (b) to 'significant' pollution of controlled waters. It should be noted that in Scotland, the term 'the Water Environment' is analogous to 'controlled waters'. The Contaminated Land (Scotland) Regulations 2005 have also modified the Contaminated Land (Scotland) Regulations 2000 (Ref 10.1) in the light of the Water Environment and Water Services (Scotland) Act 2003 (Ref 10.10). The Contaminated Land (Scotland) Regulations 2000 provide for the circumstances in which contaminated land requires to be designated as a 'special site' and provides for a remediation regime in that regard. The Water Environment and Water Services (Scotland) Act 2003 implements Directive 2000/60/EC (Ref 10.11) - commonly known as the Water Framework Directive (WFD) - and provides for a single system of water management at the river basin or catchment level.

Once a site is determined to be contaminated land then remediation may be required to render significant pollutant linkages insignificant (i.e. the source-pathway-receptor relationships that are associated with significant harm and/or pollution of the water environment), subject to a test of reasonableness.

The Planning Regime becomes relevant whenever any form of development or redevelopment is contemplated. Land contamination is a material planning consideration and a planning authority may require investigation and, if necessary, remediation (to protect human and environmental receptors, including the water environment) as a condition of granting planning permission.

Existing guidance on assessing risks to health and the water environment with respect to the planning regime is contained in Planning Advice Note 33 (PAN33) – Development of Contaminated Land (Ref 10.3) and PAN51 – Planning, Environmental Protection and Regulation (Ref 10.12).

PAN33 provides guidance as to the implications of the Contaminated Land Regime for the planning system, and a recommended approach for undertaking the assessment and remediation of land within the planning system. PAN51 provides more general guidance as to the role of the planning system in relation to the wider range of environmental protection regimes, including contaminated land, in support of national policy.

## Other Guidance

British Standards and other guidance consulted in the preparation of this chapter and relevant to the Development include:

- Contaminated Land Report (CLR) 11, Model Procedures for the Management of Contaminated Land (2004) (Ref 10.13);
- British Standard 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice (2017) (Ref 10.14);

- Contaminated Land Exposure Assessment (CLEA) Science Report, Updated Technical Background to the CLEA Model (SC050021/SR3) (2009) (Ref 10.15);
- Remedial Targets Methodology. Hydrogeological Risk Assessment for Land Contamination (2006) (Ref 10.16);
- Control of Water Pollution from Construction Sites - Guide to Good Practice SP156 (Construction Industry Research and Information Association (CIRIA), 2002) (Ref 10.17);
- Control of Water Pollution from Construction Sites C532 (CIRIA, 2001) (Ref 10.18);
- Environmental Good Practices - Working on Site C503 (CIRIA, 2000) (Ref 10.19);
- Environmental Good Practice on Site C741 (CIRIA, 2015) (Ref 10.20);
- Scottish Environment Protection Agency (SEPA) Position Statement WAT-PS-10-01. Assigning groundwater assessment criteria for pollutant inputs. Released: June 2011 (Ref 10.21);
- SEPA Water Pollution Arising from Land Containing Chemical Contaminants, 2nd edition 2012 (Ref 10.22); and
- Land Remediation and Waste Management Guidelines (SEPA, 2009) (Ref 10.23).

## Chapter 11: Marine Ecology & Nature Conservation Areas

### International and European Conventions and Legislation

The Natura 2000 network is a European Union (EU) wide network of protected sites designated to ensure long-term protection of some of Europe's most valuable and threatened habitats and species. Habitats and species listed on Annex I and Annex II of the Habitats Directive (European Council Directive 92/43/EEC) respectively, are those considered to be of community interest whose conservation requires the designation of Special Areas of Conservation (SAC). The network of sites comprises a range of individual Special Areas of Conservation (SAC) designated under the Habitats Directive and Special Protection Areas (SPA) classified under the Bird Directive (European Council Directive 2009/147/EC).

In addition to the protection provided by designated sites to habitats and species listed in the Habitats Directive, species listed in Annex IV of the directive are classed as European Protected Species (EPS). They include all species of cetaceans (whales, dolphins and porpoises), marine turtles and the Atlantic sturgeon.

Ramsar sites are designated under the Convention on Wetlands of International Importance. The mission of the Convention is "the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world". Scotland has 51 Ramsar sites designated as internationally important wetlands, covering about 313,000 hectares in total. Most Ramsar sites in Scotland are linked to the Natura 2000 network - either as a Special Protection Area (SPA) or Special Area of Conservation (SAC). All are underpinned by Sites of Special Scientific Interest (SSSIs) (see below). These sites may be of importance for their wide variety of waterbirds, bogs, lochs, coastal wetlands and other water-dependent habitats and species. It is Scottish Government policy to apply the same level of protection for Ramsar sites as is applied for Special Protection Areas classified under the EU Birds Directive.

The OSPAR Convention represents a commitment by 15 western European governments to protect the North-east Atlantic marine environment. Scotland's existing marine Natura sites and Nature Conservation Marine Protected Areas are helping the UK to meet the OSPAR Marine Protected Area commitment.

The Agreement on the Conservation of Small Cetaceans in the Baltic and North Seas (ASCOBANS) was concluded in 1991 under the auspices of the Convention on Migratory Species and entered into force in 1994. All small cetaceans regularly present in the Baltic and North Seas are listed in Appendix II to the Bern Convention (Convention on the Conservation of European Wildlife and Natural Habitats). Originally only covering the Baltic and North seas, as of February 2008 the ASCOBANS area was extended westwards to include the North East Atlantic and Irish Seas. The agreement is now referred to as the "Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas". The ten Parties and four Range States who are currently signatories to the Agreement (including the UK) undertake to co-operate closely in order to achieve and maintain a favourable conservation status for small cetaceans. Parties apply conservation, research and management measures as prescribed in the Annex to the Agreement.



## National Legislation

### The Conservation (Natural Habitats, &c.) Regulations 1994 and associated amendments.

In Scotland, the Habitats Directive is translated into specific legal obligations by the Conservation (Natural Habitats, &c.) Regulations 1994, known as, the Habitats Regulations. These regulations have been subject to a number of amendments, most recently in 2012. Amendments have also been made to the equivalent legislation in England and Wales in the Conservation of Habitats and Species Regulations 2017, which consolidates the Conservation of Habitats and Species Regulations 2010 with subsequent amendments and extend to England and Wales (including the adjacent territorial sea) and to a limited extent in Scotland (in relation to reserved matters). In Scotland, on land and inshore waters up to 12 nautical miles, the Habitats Directive is therefore transposed through a combination of the Habitats Regulations 2010 (in relation to reserved matters) and the Conservation (Natural Habitats &c.) Regulations 1994 as amended.

### The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 and associated amendments.

The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007, as amended by The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010 apply the Habitats Directive and the Birds Directive to activities in marine areas where the United Kingdom has jurisdiction beyond its territorial sea, from 12 nautical miles to 200 nautical miles from the United Kingdom's coastal baseline. Regulation 26 of the 2010 amendment regulations reflects the devolutionary expansion of Scottish ministers' powers within the marine environment.

The above legislation requires that specific consideration be given to the potential effects of the Proposed Development on sites and species of international nature conservation importance within the Natura 2000 network. This consideration is required to inform a subsequent Habitat Regulations Assessment to be completed by the Competent Authority: in this case Marine Scotland. This requirement is in addition to the requirements and obligations set out under the EIA regulations, which also govern the content of this report.

In Scottish inshore waters (within 12 nm of the coast), offences relating to the protection of marine EPS (listed on Schedule 2A) are provided for under the Habitats Regulations which prohibits the deliberate and reckless capture, injury, killing and disturbance of marine EPS.

It is possible to carry out certain actions which would otherwise be illegal by obtaining a licence. Licences are granted by SNH and Marine Scotland. A licence can only be issued under very strict instructions:

- The reason for the licence must relate to one of several specified purposes listed in Regulation 44(2) of the Conservation (Natural Habitats) Regulations 1994;
- There must be no satisfactory alternative;
- The proposed action must not be detrimental to the maintenance of the species at 'favourable conservation status'.

In Scotland, Regulations 39 and 43 of the 1994 Habitats Regulations make it an offence, with certain exceptions to deliberately or recklessly capture, injure or kill any EPS, harass, disturb or obstruct access to breeding sites or resting places, deliberately or recklessly to take or destroy the eggs of such an animal. It is also an offence to deliberately or recklessly disturb any dolphin, porpoise or

whale. When considering activities that could affect EPS, the primary aim is to avoid any impact on them at all, including any activity that could otherwise constitute an offence. Offences can be avoided by:

- Modifying the location of a proposed action / piece of work;
- Timing operations to avoid times when the species is likely to be present;
- Retaining certain areas/structures used by the species;
- Modifying working practices;
- Looking at alternative solutions to problems.

If there are no satisfactory alternatives to avoiding an offence, a licence may be necessary but will only be granted after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

### Marine and Coastal Access Act 2009 and Marine (Scotland) Act 2010

The UK passed the Marine and Coastal Access Act 2009, which provided executive devolution to Scottish Ministers in relation to new marine planning and conservation powers in the offshore region. The Marine (Scotland) Act, which was introduced to Scottish Parliament on 29th April 2009 and gained Royal Assent on 10th March 2010, provides the legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse marine and coastal environments, managed to meet the long term needs of both nature and people, by putting in place a new system for improved management and protection of the marine and coastal environment.

The Marine (Scotland) Act introduces new powers relating to functions and activities in the Scottish marine area, including provisions concerning marine plans, licensing of marine activities, the protection of the area and its wildlife and regulation of sea fisheries and by enabling Scottish Ministers to designate three types of Marine Protected Area (MPA) across Scottish territorial waters:

- Nature Conservation MPAs – for the conservation of Scotland’s most important marine biodiversity and geodiversity features;
- Historic MPAs – for the protection of historically important marine sites such as wrecks or national monuments; and
- Research/Demonstration MPAs – to demonstrate or research new methods of managing Scotland’s marine environment.

In April 2010 the Scottish MPA Project was established to help fulfil Scotland’s contribution to international commitments for an ecologically coherent network of MPAs. The project covers all of Scotland’s seas including territorial and offshore waters as Scottish Ministers also have devolved responsibility under the UK Marine and Coastal Access Act 2009 for the designation of MPAs for the conservation of important marine biodiversity and geodiversity out to 200 nautical miles.

Nature Conservation MPAs are selected using a science-based approach, underpinned by the presence of what have been termed MPA search features. These largely comprise the Priority Marine Features (PMFs) for which MPAs are considered the most appropriate conservation mechanism.

In July 2014, Scottish Ministers adopted a list of 81 priority marine features (PMFs), many of which are features characteristic of the Scottish marine environment. The list helps to deliver Marine Scotland’s vision for marine nature conservation, as set out in “A Strategy for Marine Nature

Conservation in Scotland's Seas" (Marine Scotland, 2011). The strategy sets out aims and objectives for protecting and, where appropriate, enhancing valuable marine biodiversity. The strategy is designed to facilitate co-operation in pursuit of shared marine objectives in the UK and to meet national and international obligations. These include the achievement of Good Environmental Status under the Marine Strategy Framework Directive (MSFD).

The legislation also provides improved measures for the protection of seals. The Marine (Scotland) Act 2010 (Part 6 Conservation of Seals) makes it an offence to kill or take any seal at any time except under specific licence or to alleviate suffering. It also introduces in Section 117 a new offence of intentional or reckless harassment of seals at haul-out sites designated as such by Order by Scottish Ministers (The Protection of Seals (Designation of Seal Haul-out Sites) (Scotland) Order 2014. Both native seal species (grey seals and common or harbour seals) are listed as protected species under Annex II of the EC Habitats Directive 1992. In relation to such seal SACs, Scottish Natural Heritage should advise other relevant authorities of the conservation objectives and any operations which may cause deterioration of the habitats of the seal species or disturbance of seals of the species for which the site has been designated.

The Protection of Seals (Designated Sea Haul-out Sites) (Scotland) Order 2014 introduced additional protection for seals at 194 designated haul-out sites: locations on land where seals come ashore to rest, moult or breed.

### Wildlife and Countryside Act 1981, as amended in Scotland (WCA)

The WCA provides for the further protection of sites of at least national importance for nature conservation and varying levels of protection for species in need of conservation action, or other protection, within the UK. Protection may include prohibition of some or all of: killing, injuring, disturbing, taking, sale/barter or possession of species and also protection of breeding and sheltering places. The WCA also provides for the designation of Marine Nature Reserves (MNRs) and gives powers to enact byelaws to protect such reserves.

### Nature Conservation (Scotland) Act 2004

Requires government departments to have regard to the Convention on Biological Diversity and places a duty on all public authorities, including local planning authorities, to consider biodiversity in their work. Compels the Scottish ministers to produce a biodiversity strategy and a list of species and habitats of principal importance for biodiversity conservation in Scotland and to take or promote steps to further their conservation. The Act also amends and enhances the provisions for enforcement and sets out the procedure for Nature Conservation Orders and allows for the designation of Sites of Special Scientific Interest (SSSI).

Sites of Special Scientific Interest (SSSI) are those areas of land and water (to the seaward limits of local authority areas or MLWS) that Scottish Natural Heritage (SNH) considers to best represent natural heritage - its diversity of plants, animals and habitats, rocks and landforms, or a combinations of such natural features. Many are also designated as Natura 2000 sites (Special Protection Areas or Special Areas of Conservation). The national network of SSSIs in Scotland forms part of the wider UK series. SNH designates SSSIs under the Nature Conservation (Scotland) Act 2004. SSSIs are protected by law. It is an offence for any person to intentionally or recklessly damage the protected natural features of an SSSI.

### Environmental Liability (Scotland) Regulations 2009, as amended

Extends the protection provided to species and habitats by various other legislation including the Birds and Habitats Directives to include habitats and species not only within, but beyond designated areas. Importantly, under these regulations competent authorities (Scottish ministers, Scottish Natural

Heritage or the Scottish Environmental Protection Agency with regard to species and habitats) may request information from operators to show compliance with the regulations. If damage occurs they may require the relevant operator to remedy the damage.

### Guidance

The protection of Marine European Protected Species from injury and disturbance Guidance for Scottish Inshore Waters - Marine Scotland (2014)

## Chapter 15: Ornithology

This appendix includes a summary of the most relevant aspects of legislation and policy. The actual documents should be referred to for authoritative information.

### Directive 2009/147/EC on the conservation of wild birds

This European Directive, commonly known as ‘the Birds Directive’, provides the framework for the conservation and management of wild birds, the main provisions being:

- the maintenance of populations of all wild bird species across their natural range;
- the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed on Annex I and for all regularly occurring migratory species; and,
- the establishment of a general scheme of protection for all wild birds.

Member States must develop the legislative means to implement the requirements of the Birds Directive, which in Scotland is achieved mainly via the Habitats Regulations (see below) and Wildlife and Countryside Act 1981 (see below).

### Conservation (Natural Habitats &c. Regulations (as amended))

These Regulations, commonly known as the ‘Habitats Regulations’, include implementation of that part of the Birds Directive requiring the designation and protection of SPAs.

It is Scottish Government policy to treat potential or proposed SPAs, and areas identified as compensation sites for adverse effects on SPAs, as if they were fully designated.

### Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (often abbreviated to ‘WCA’) includes implementation of parts of the Birds Directive (see above) and is the primary legislation affording protection to birds in Scotland. Under the WCA it is an offence to intentionally or recklessly:

- kill, injure or take a wild bird;
- take, damage, destroy or interfere with a nest of any wild bird whilst in use or being built;
- obstruct or prevent any wild bird from using its nest; and,
- take or destroy an egg of any wild bird.

For certain rarer species listed on Schedule 1 it is also an offence to intentionally or recklessly disturb them whilst building a nest or while in, on or near a nest containing eggs or young, or to disturb their dependent young. Certain vulnerable raptors are additionally protected from harassment at any time.

### The Wildlife and Natural Environment (Scotland) Act 2011 (as amended)

The Wildlife and Natural Environment (Scotland) Act 2011, commonly known as the ‘WANE Act’, places a duty on all public sector bodies in Scotland to further the conservation of biodiversity.

The Scottish Biodiversity List (SBL) is a list of species and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. The purpose of the SBL is to help public bodies carry out their biodiversity duty by identifying the species and habitats of highest importance for conservation.

## Convention on Wetlands of International Importance

'Ramsar sites' are wetlands of international importance designated to meet the UK's commitments under this Convention, commonly known as the 'Ramsar Convention'.

Although there is no legal framework to protect them, it is Scottish Government policy to afford Ramsar sites the same protection as that afforded to SPAs. Ramsar sites are also underpinned via notification as Sites of Special Scientific Interest (SSSI), affording them statutory protection under the WCA.

## Scottish Planning Policy 2014

Scottish Planning Policy (SPP) 2014 recognises the environment as a national asset offering opportunities for enjoyment, recreation and sustainable economic activity. In summary, the policy principles most relevant to this assessment of the potential impacts of the Proposed Development on ornithological features state that the planning system should:

- facilitate positive change while maintaining / enhancing distinctive landscape character;
- conserve and enhance protected sites and species, maintaining healthy ecosystems and the natural processes which provide important services to communities;
- protect and improve the water environment; and,
- seek biodiversity benefits from new development where possible.

SPP set out the biodiversity duty of public bodies and the legislative requirements for protected sites and species.

## Highland-wide Local Development Plan

Relevant local planning policies for the region are detailed in the Highland Council's Highland-wide Local Development Plan (HwLDP). Table A15-1 provides a summary of the local planning policies relevant to ornithological features. The precise wording of each specific policy can be found in the original HwLDP document (the Highland Council, 2012).

- Policy 28 – Sustainable Development: The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. Proposed developments will be assessed on the extent to which they impact on habitats and species.
- Policy 57 – Natural, Built and Cultural Heritage: All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development and any impact on the feature and its setting
- Policy 58 – Protected Species: Surveys are required to confirm the presence of protected species on a site. Mitigation will be required, prior to determining the application, to avoid or minimise impacts on protected species. Development likely to adversely affect protected species will only be permitted where: there is no satisfactory alternative; there are reasons of public health or safety or other imperative reasons of over-riding public interest; and it will not be detrimental to the favourable conservation status of the species concerned.
- Policy 59 – Other Important Species: The Council will have regard to the presence of and any adverse effects of developments on other important species, including species protected under the Habitats Directive or WCA, and species listed in national and local Biodiversity Action Plans (BAPs) and the Scottish Biodiversity List (SBL).

- Policy 60 – Other Important Habitats: The Council will seek to safeguard the integrity of features of the landscape of major importance to wild fauna. The Council will have regard to the value of other important habitats, including: habitats on Annex I of the Habitats Directive; habitats of priority / protected bird species; and habitats listed in national and Local BAPs and the SBL.

## Birds of Conservation Concern

Birds of Conservation Concern (BoCC) 4 (Eaton et al., 2015) is the latest review of the status of birds in the UK. Species are assigned to Red, Amber or Green lists depending on the degree of conservation concern.

Red list species are rare or locally distributed and/or have suffered a severe reduction in breeding population or range. Amber list species have suffered moderate reductions.

## 5. Summary of Consultation

### 5.1 Summary of Consultation



## Appendix 5-1: Summary of Screening Responses

Consultee	Response	How the response has been addressed in the EIA Report
Transport Scotland	The Proposed Development is considered to be EIA development by virtue of its location and its potential to have a significant environmental effect on harbour porpoise within the Inner Hebrides and the Minches candidate Special Area of Conservation, and on other cetacean species.	The EIA has been prepared in accordance with relevant EIA Regulations as set out within Chapter 4 of this report.
Scottish Environmental Protection Agency (SEPA)	<b>Site Layout:</b> Existing built infrastructure must be re-used or upgraded wherever possible. The layout should minimise new works on previously undisturbed ground. Alternative locations or layouts may be required. Adequate maps 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.	Site layout plans are provided in <b>Figures 3.3 and 3.5 a to c.</b>
SEPA	<b>Surface Water Drainage:</b> Surface water runoff must be treated by sustainable drainage systems (SUDS). A site plan showing the proposed SUDS treatment train must be submitted. The Simple Index Approach calculation 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 must be submitted. Existing surface water discharges and their treatment systems must be shown on a site map. Consultation with the local authority flood prevention unit and with Scottish Water should also be sought.	<b>Chapter 3: Project Description</b> provides a description of the key surface water drainage design parameters.
SEPA	<b>Flood Risk:</b> The risk of increasing flood risk from the land reclamation should be assessed. SEPA request that the coastal wave study proposed for the Uig development include an assessment of flood risk. All new development, including 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. SEPA recommend the use of water resistant materials and forms of construction as appropriate. SEPA recommend a minimum 600 mm freeboard is added to the Coastal Flood Boundary (CFB) levels to determine the estimated 1 in 200 year flood levels.	<b>Chapter 9: Flood Risk &amp; Climate Change</b> sets out the results of the Flood Risk Assessment (FRA) which was based on numerical modelling using the levels identified in SEPA's advice. The methods and results of the numerical modelling are also provided in <b>Appendix 9-1.</b>
SEPA	<b>Pollution Prevention during Construction:</b> The schedule of mitigation should be supported by site specific maps and plans including reference to best practice pollution prevention and construction techniques. Daily responsibilities of ECOWs should be set out including site inspection recording and action plans and provision of a planning monitoring enforcement officer.	<b>Chapter 22: Summary of Mitigation</b>
SEPA	<b>Regulatory Requirements:</b> Any proposed engineering works within the water environment, above MHWS 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. 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. In addition the Health and Safety Executive (HSE) will need to be consulted on any proposals for LNG storage. We recommend that	<b>Chapter 4: Legislative &amp; Planning Policy</b> identifies the supporting regulations which are expected to apply to the Proposed Development. Options for managing dredging spoil have been considered within <b>Appendix 2.2: BPEO assessment</b> and <b>Appendix 2.3: Dredge disposal Site Characterisation Report.</b> As set out in <b>Chapter 3: Project Description</b> , consents for the LNG storage will be sought from

Consultee	Response	How the response has been addressed in the EIA Report
	the applicant consults us and HSE directly to discuss the implications of these regulations and how it may affect the layout of the proposals.	SEPA and the HSE by Calmac Ferries Ltd. (CFL).
Consultee	Response	How the response has been addressed in the EIA Report
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>EIA: response</b> confirming that the works described in the Scoping Report fall under Schedule 2, paragraph 1(e), 10(g) and 10(m) of The Marine Works 2017 (amended).	<b>Chapter 4: Legislative and Planning Policy Context</b> sets out the legislative requirement for EIA.
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>EIA Report:</b> Confirming requirement for an EIA Report in accordance with regulation 6 and contain the information specified in schedule 4 of The Marine Works 2017 (as amended).</p> <p>The EIA Report should be prepared by competent experts.</p> <p>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.</p> <p>The Scoping Opinion provided identifies the qualities of a good Environmental Statement (now known as an EIA Report).</p>	<p>This EIA Report has been prepared in accordance with regulation 6 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and contains the information specified in Schedule 4 of the regulations.</p> <p>The EIA Report has been produced by appropriately qualified experts from AECOM support by ABP Mer. Both are certified members of the Institute of Environmental Management and Assessment (IEMA) Quality Mark in EIA Scheme.</p> <p>The Scoping opinion is included within <b>Appendix 1.2</b> of this report.</p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Non-Technical Summary (NTS):</b> The EIA Report must contain a NTS which should summarise the EIA, be concise and written in a manner that is appealing to read and easily understood.	A Non-Technical Summary is provided in <b>Volume 1</b> of this EIA Report.
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Mitigation:</b> All mitigating measures should be 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.</p> <p>The EIA Report should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters.</p> <p>Where potential impacts have been fully investigated but found to be of little or no significance, the reasoning for this conclusion should be clearly stated.</p>	<p>The proposed mitigation measures are set out in the assessment chapters (Chapters 7 to 20 in <b>Volume 2: Main Report</b>) and summarised in <b>Chapter 21: Summary of Mitigation</b>.</p> <p>The scoping report and subsequent scoping updates are set out in <b>Appendices 1.1 and 1.3</b> of this report. <b>Chapters 7 to 20</b> provide the results of the technical assessments and identify the likely significant effects.</p>
Scottish Ministers	<b>Design Envelope:</b> Where flexibility in the design envelope is required, this must be defined within the EIA Report and	<b>Chapter 3: Project Description</b> sets out the worst-

Consultee	Response	How the response has been addressed in the EIA Report
(Marine Scotland and Transport Scotland)	<p>the reasons for requiring such flexibility clearly stated.</p> <p>The Scottish Ministers will determine the application based on the worst case scenario. With regard to a multi-stage regulatory consent, any subsequent construction management statement (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.</p> <p>Any changes produced after the EIA Report is submitted may require further environmental assessment and public consultation.</p>	<p>case scenario on which the technical assessments in <b>Chapters 7 to 20</b> are based.</p>
<p>Scottish Ministers (Marine Scotland and Transport Scotland)</p>	<p><b>EIA Scope:</b> The Scottish Ministers are broadly satisfied that the topics identified in the Scoping Report encompass those matters required to be considered by regulation, however the following topics have also been identified for consideration within the EIA:</p> <ul style="list-style-type: none"> <li>Natural Resource Usage and Waste</li> <li>Impacts from Major Accidents and Disasters</li> <li>Marine Nature Conservation Sites</li> <li>Flood Risk and Climate Change</li> <li>Cumulative Impacts</li> </ul> <p>MS-LOT consider the terrestrial aspects scoped into the EIA to be out with the regulatory remit of Marine Scotland and therefore has no comment to make on the following proposed sections:</p> <ul style="list-style-type: none"> <li>Ground Conditions &amp; Contamination</li> <li>Terrestrial Ecology</li> <li>Terrestrial Noise and Vibration</li> </ul>	<p>This EIA Report assesses the potential environmental effects of the construction and operation of the Proposed Development on the following topics:</p> <ul style="list-style-type: none"> <li><b>Chapter 7: Marine Physical Environment</b></li> <li><b>Chapter 8: Marine Water &amp; Sediment Quality</b></li> <li><b>Chapter 9: Flood Risk &amp; Climate Change</b></li> <li><b>Chapter 10: Ground Conditions &amp; Contamination</b></li> <li><b>Chapter 11: Marine Nature Conservation Areas</b></li> <li><b>Chapter 12: Benthic Ecology</b></li> <li><b>Chapter 13: Fish &amp; Shellfish Ecology</b></li> <li><b>Chapter 14: Marine Mammals</b></li> <li><b>Chapter 15: Ornithology</b></li> <li><b>Chapter 16: Socio-Economics &amp; Public Access</b></li> <li><b>Chapter 17: Terrestrial Noise &amp; Vibration</b></li> <li><b>Chapter 18: Commercial &amp; Recreational Navigation</b></li> <li><b>Chapter 19: Commercial Fisheries</b></li> <li><b>Chapter 20: Marine Archaeology &amp; Cultural Heritage</b></li> </ul> <p>Natural resource usage and waste associated with the Proposed Development is described in <b>Chapter 3: Project Description</b> whilst the potential effects of natural resource usage and waste are addressed in all the relevant technical assessments.</p> <p>Potential effects from major accidents and disasters are addressed in the relevant technical assessments.</p> <p>Cumulative effects are assessed in each of the technical chapters listed above.</p>

Consultee	Response	How the response has been addressed in the EIA Report
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Marine Nature Conservation Sites:</b> Nature conservation designated areas should be scoped into the EIA process. The EIA Report should include underwater noise and disturbance modelling, which should inform the proposed mitigation. The EIA Report should also contain information required to inform Habitats Regulations Appraisal and possible EPS disturbance licence requirements (for cetaceans and potentially for Basking sharks).</p> <p>The applicant should consult the standard piling mitigation measures recommended by Joint Nature Conservation Committee (JNCC)<sup>1</sup></p>	<p>The assessment of potential effects on nature conservation designated areas is provided in <b>Chapter 11: Marine Nature Conservation Areas</b>. This includes consideration of the results of underwater noise and disturbance modelling, also set out within <b>Chapter 13: Fish and Shellfish ecology</b>; and <b>Chapter 14: Marine Mammals</b>.</p> <p>A Habitats Regulations Appraisal screening has been undertaken, the results of which are provided in <b>Chapter 11: Marine Nature Conservation Designations</b>.</p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Marine &amp; Physical Environment:</b> The EIA Report should include modelling of hydrodynamics, waves and sediments to determine the magnitude of effect arising from the proposed development.</p>	<p>Potential effects on the marine physical environment are addressed in <b>Chapter 7: Marine Physical Environment</b>.</p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Marine Water &amp; Sediment Quality:</b> The EIA Report should include a review of the existing water quality conditions and chemical analysis of sediment located in the proposed dredge area and the potential dredge disposal site.</p> <p>If it is proposed to utilize this dredging spoil within the land reclamation then the EIA Report should demonstrate that the heavy metal spoil will not cause harm to the environment. A Water Framework Directive assessment will be undertaken to consider the potential impacts on the current status and future objectives of the relevant WFD water bodies.</p> <p>The EIA Report should assess surface water drainage as set out by SEPA to demonstrate that adequate space is available to treat surface water run-off.</p> <p>Waste water drainage should be directed to the public sewer, and this should be shown on site plans.</p>	<p><b>Chapter 8: Marine Water &amp; Sediment Quality</b></p> <p>Sediment sampling was carried out at the dredging and dredge disposal site to inform this assessment; It is not proposed to utilise dredged material in the land reclaim for the marshalling yard.</p> <p>Consideration of status and objectives of the Water Framework Directive assessment is included in <b>Chapter 8: Marine Water and Sediment Quality</b></p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Flood Risk &amp; Climate Change:</b> The EIA Report should consider coastal flooding through modelling of wind and wave climate, extreme water levels, hydrodynamic modelling, wave transformation modelling, joint probability of waves and water levels and wave overtopping. This should also take into account the updated Coastal Flood Boundary levels for Scotland Autumn 2017, and updated climate change predictions available in Spring 2018.</p>	<p>The Flood Risk Assessment (FRA) is set out within <b>Chapter 9: Flood Risk &amp; Climate Change</b> and was informed by [HOLD] modelling and was based on the Coastal Flood Boundary levels for Scotland and climate change predictions available at the time of undertaking the EIA. This approach was agreed with SEPA via email on 26<sup>th</sup> January 2018.</p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Benthic Ecology:</b> The EIA Report will contain a detailed intertidal survey to confirm the nature and distribution of the habitats present in Uig Bay and consider any habitats of conservation concerns or PMF (specifically seapens and burrowing megafauna in circalittoral fine mud).</p> <p>Additionally a sediment characterization study will be undertaken to determine the most suitable sea disposal location and methods for the dredge arisings.</p>	<p>Impacts on benthic ecology including reporting and interpretation of survey results are considered within <b>Chapter 12: Benthic Ecology</b>.</p>

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

Consultee	Response	How the response has been addressed in the EIA Report
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Fish &amp; Shellfish Ecology:</b> Underwater noise propagation modelling will be undertaken to determine the likely level of disturbance to fish species, along with sediment dispersion modelling to determine the impact of water quality changes on fish and shellfish. These surveys will allow appropriate mitigation to be developed and implemented.	Impacts on fish and Shellfish are considered within <b>Chapter 13: Fish &amp; Shellfish Ecology</b> . This assessment was informed by underwater noise propagation modelling and sediment dispersion modelling; Results of the sediment dispersion modelling of dredging and disposal activities are set out within <b>Chapter 7: Marine Physical Environment</b> and <b>Chapter 8: Marine Water and Sediment Quality</b> .
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Marine Mammals:</b> The EIA Report should contain information required to inform Habitats Regulations Appraisal and a possible EPS disturbance licence. An appropriate impact assessment to determine the extent of the behavioural impacts on marine mammals as a result of the impact piling should be demonstrated.	This assessment was informed by underwater noise propagation modelling. Information required to allow the competent authority to complete an Appropriate Assessment on this issue is included within <b>Chapter 14: Marine Mammals</b> .
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Ornithology:</b> Breeding birds are scoped out of the EIA as the habitats present are of low value to most breeding birds. Any impact which may occur will be mitigated through the design of the development and through the implementation of generic mitigation including a Breeding Bird Protection Plan during construction. Location and timing of the works with respect to White-tailed eagles should be considered.	Potential effects on birds are considered within <b>Chapter 15: Ornithology</b> .
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Socio-Economics &amp; Public Access:</b> A desk based assessment will be undertaken to identify socio-economic receptors and how these might be affected	<b>Chapter 16: Socio-Economics &amp; Public Access</b>
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Seascape, Landscape &amp; Visual Effects:</b> The works are not considered to result in significant effects on the landscape or seascape resource or the visual amenity of local residents and visitors to the area.	Potential effects on Seascape, Landscape & Visual receptors have been scoped out of the EIA.
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Traffic &amp; Transport:</b> The EIA Report should demonstrate that the issue of disturbance to other vessels has been addressed and mitigation measures identified if necessary.	Marine traffic issues are addressed in <b>Chapter 18: Commercial and Recreational Navigation</b> .
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Air Quality:</b> Dust and emissions mitigation controls will be detailed in a Construction Environment Management Plan (CEMP), or a schedule of Mitigation (SoM) prior to the commencement of construction. No specific section on Air Quality is required as part of the EIA Report and is scoped out of the EIA process.	Air Quality has been scoped out of the EIA. Standard dust and emissions mitigation measures to be included within the CEMP are set out in <b>Chapter 22: Summary of Mitigation</b> .
Scottish Ministers (Marine Scotland and Transport Scotland)	<b>Greenhouse Gas Assessment:</b> An assessment of impacts from increased GHG emissions is not required as part of the EIA process.	Greenhouse Gas Emissions have been scoped out of the EIA.
Scottish Ministers	<b>Commercial &amp; Recreational Navigation:</b> The EIA Report should demonstrate that the issue of disturbance to other	<b>Chapter 18: Commercial &amp; Recreational</b>

Consultee	Response	How the response has been addressed in the EIA Report
(Marine Scotland and Transport Scotland)	<p>vessels has been addressed and mitigation measures identified if necessary. The EIA Report should give due consideration to the Port Marine Safety Code (PMSC) and Guide to Good Practice (GTGP). A robust Safety Management System (SMS) for the project should be developed in consultation with THC and Calmac Ferries Ltd under this code. The Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it, during and after the construction.</p> <p>UK Hydrographic Office should be notified for consideration of updates to nautical charts and publications.</p> <p>The local coastguard and local MCA Marine Office should also be notified of the proposed works.</p> <p>The existing Aids to Navigation (AtoN) should be reviewed and an overall plan for AtoN at the ferry terminal should be discussed with the Northern Lighthouse Board.</p>	<b>Navigation</b>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Commercial Fisheries:</b> Consultation with relevant organizations will be undertaken to develop understanding of the fishing activities in the area and the impacts during construction of the Proposed Development may cause. Impacts once operational are scoped out (with the exception of the potential for maintenance dredging).</p>	<b>Chapter 19: Commercial Fisheries</b>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Other Users:</b> no other receptors have been identified therefore effects on Other Users have been scoped out of the EIA.</p>	Other users have been scoped out of the EIA.
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Marine Archaeology &amp; Cultural Heritage:</b> should considered direct and indirect impacts, such as disturbance, contamination and loss to historic environment assets with appropriate involvement from archaeological experts.</p>	<b>Chapter 20: Marine Archaeology &amp; Cultural Heritage</b>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Natural Resource Usage and Waste:</b> Details should be provided in the EIA Report of how waste generated on site will be stored and disposed of, including contaminated materials.</p> <p>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.</p> <p>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 schedule of mitigation with detailed site plans demonstrating how impacts on the environment have been minimised through site design.</p>	<p>Natural resource usage and waste associated with the Proposed Development is described in <b>Chapter 3: Project Description</b>.</p> <p>The dredged material will not be used in the land reclamation due to construction programme restrictions (see <b>Appendix 2.2</b> Best Practicable Environmental Option (BPEO)).</p> <p>The potential effects of natural resource usage and waste are addressed throughout the EIA in the relevant technical assessments</p> <p><b>Chapter 22: Summary of Mitigation</b> sets out the mitigation measures that will be implemented to minimise environmental effects from natural resource use and waste.</p>
Scottish Ministers (Marine Scotland and Transport Scotland)	<p><b>Major Accidents &amp; Disasters:</b> The EIA Report should include the expected effects of Major Accidents and Disasters (according to regulation 5(4) of the 2017 regulations. With reference to Schedule 3 (1)(f), more emphasis on climate change should be demonstrated.</p> <p>The following impacts from major accidents and natural disasters require further consideration during the different</p>	<p>Impacts from major accidents and disasters are addressed in the relevant chapters as follows:</p> <p>The potential risks of major accidents and disasters associated with LNG will be identified in <b>Chapter 3:</b></p>

Consultee	Response	How the response has been addressed in the EIA Report
	<p>phases of the proposed development and should be scoped into the EIA process:  Proposed LNG storage tanks - risk of fire and impacts to other vessels  Severe storms  Marine transport accidents  Flood risk / tidal surges – proposed to be assessed in separate section.</p>	<p><b>Project Description.</b>  The potential for major accidents and disasters associated with severe storms, flood risk and tidal surges are addressed in <b>Chapter 9 Flood Risk &amp; Climate Change.</b>  The risk of major accidents and disasters from marine transport accidents are addressed in <b>Chapter 18: Commercial &amp; Recreational Navigation.</b></p>
<p>Scottish Ministers  (Marine Scotland and Transport Scotland)</p>	<p><b>Cumulative Impacts:</b> The EIA Report should include the accumulation of the impact with the impact of other existing and/or approved works (reference to Schedule 3 (1)(b)).</p>	<p>The potential for cumulative affects is assessed where applicable in the relevant technical chapters (Chapters 7 to 20).</p>
<p>Scottish Ministers  (Marine Scotland and Transport Scotland)</p>	<p><b>Marine Planning:</b> When Scottish Ministers make decisions that affect, or might affect, the marine environment they must do so in accordance with the UK Marine Policy Statement 2011 and Scotland’s National Marine Plan (NMP) 2015.</p>	<p><b>Chapter 4: Legislative &amp; Planning Policy Context</b> highlights the policies that are applicable to the Proposed Development which were considered when preparing this EIA Report, including the Marine Policy Statement and National Marine Plan.</p>
<p>Scottish Ministers  (Marine Scotland and Transport Scotland)</p>	<p><b>Language Requirements:</b> 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.</p>	<p>EIA Advertising will be published in both English and Gaelic</p>
	<p><b>Multi-Stage Regulatory Approval:</b> When making an application for multi-stage approval the applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA report.</p>	<p>The parameters of the Proposed Development which have been assessed within the EIA are considered to be ‘worst case’ and are not expected to be exceeded.</p>
	<p><b>Pre-dredge sampling</b> - 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.  <b>Advertisement:</b> 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 [EIA] 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. If additional information is submitted further public notices will be required.  <b>EPS licence:</b> If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.</p>	<p>The Site Characterisation Report for the proposed new disposal site is provided in <b>Appendix 2.3</b> The results of the sediment sampling and analysis are discussed in <b>Chapters 7: Marine Physical Environment</b> and <b>Chapter 8: Marine Water and Sediment Quality.</b>  Details of the advertising for the EIA are included in <b>Chapter 1: Introduction.</b>    Anticipated requirements for EPS licences at construction stage have been identified in the</p>

Consultee	Response	How the response has been addressed in the EIA Report
Scottish Natural Heritage (SNH)	<p><b>Underwater Noise:</b> The construction methods should be clarified following site investigations including:</p> <p>Piling – what types of piles would be installed; how many impact or vibratory piling; duration of installation.</p> <p>Dredging techniques and duration.</p> <p>Any blasting – what size of charge; how many; over what duration.</p> <p>SNH are not familiar with the Environment Agency methodology for underwater noise propagation modelling outlined in the fish section of the Scoping Report and would require detail on the methodology. However, their initial advice is that it is unlikely to be sufficient by itself. Noise levels for all noisy activities should be predicted.</p> <p>Received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for acute, incidental exposure to underwater anthropogenic sound should be considered. For assessment of impact to marine mammals SNH advise that they consider both Southall and NOAA injury thresholds.</p> <p>Disturbance should also be assessed. Consideration should be given to the size of the piling mitigation zone and the best way to cover it.</p>	<p>relevant technical chapters and in <b>Chapter 22: Summary of Mitigation.</b></p> <p><b>Chapter 3: Project Description</b> provides a description of the anticipated construction method.</p> <p><b>Chapter 11: Marine Conservation sites, Chapter 13: Fish and Shellfish ecology and Chapter 14: Marine Mammals</b> set out the methodology used, input parameters assessed and the results of the underwater noise propagation modelling.</p>
SNH	<p><b>Priority Marine Features:</b> Priority Marine Features (PMFs) which may be affected by the proposals should be identified.</p> <p>In identifying the dredge disposal site, priority should be to avoid impacting on rarer biotopes and high quality examples rather than avoiding all impacts on the identified PMF “<i>Seapens and burrowing megafauna in circalittoral fine mud</i>” as this habitat is widespread.</p> <p>Given the limited records of “<i>Inshore Deep Mud with Burrowing Heart Urchins</i>” PMF habitat within this marine region and the recorded extent within Uig Bay, SNH are keen to establish how widespread it is in Uig Bay and recommend that the EIA should consider the likely impacts on this PMF. In particular this should be taken into account in the selection of the location and method of dredge disposal.</p> <p>Data on the presence of this biotope should be collected as part of the assessment for the dredge disposal site. It may also be possible to estimate the distribution of the habitat within the bay based on sediment characteristics.</p> <p>SNH recommend that the impacts of the dredged material on the PMF habitats be considered.</p> <p>Clarification was requested as to whether beach nourishment with maintenance dredge material went ahead in 2015 and, if so, where and how the dredge material was disposed of. SNH acknowledge that this may have already modified the benthic communities in that location.</p>	<p>Benthic surveys were carried out in an initial search area around the proposed disposal site in February 2018. The results of these surveys and existing marine data for the area informed the site identification as part of the site characterisation process (see <b>Appendix 7.2: Site Characterisation Report</b>).</p> <p><b>Chapter 12: Benthic Ecology</b> provides a review of the existing data on benthic ecology for the Uig Bay area and the results of the benthic surveys, including a review of survey data for any evidence of the presence of heart urchins; these are provide the baseline for the assessment. Location of beach recharge in 2015 is shown on <b>Figure 12.4.</b></p>
SNH	<p><b>Otters:</b> SNH recommend that otter surveys are repeated if &gt;18 months elapses between the original survey and commencement of works.</p>	<p><b>Chapter 22: Summary of Mitigation</b> sets out all the measures that will need to be implemented before and during construction and operation. The requirement for further otter surveys if &gt;18 months elapses between the original survey and commencement of works is included.</p>
SNH	<p><b>White-tailed Eagles:</b> White-tailed eagles (WTE) breed and roost on the cliffs around Uig Bay. They have special</p>	<p>Data on white-eagle nesting / roosting sites in and</p>



Consultee	Response	How the response has been addressed in the EIA Report
	<p>protection. Given the existing disturbance, it seems unlikely that works at the pier will present significant issue. However, the dumping of dredge material may cause disturbance and should be considered in the EIA.</p> <p>Consultation should include the Highland Raptor Study Group co-ordinator for WTE for an update. If WTE have nest sites or roost sites within 1 km of any of the proposed works a mitigation plan should be produced. Any information which could allow the nest or roost sites to be identified should be supplied as part of a confidential annex.</p>	<p>around Uig Bay was requested from the Highland Raptor Study Group. The proposed disposal site was selected to remain at least 1 km away from a known nesting site as set out in the Site Characterisation Report in Appendix 7.2. Record of this consultation is provided in CONFIDENTIAL <b>Figure 15.2.</b></p>
Scottish Environment Protection Agency (SEPA)	SEPA previously provided general screening and scoping advice for the three projects at Uig, Tarbert and Lochmaddy. SEPA reviewed the proposed scope of the Uig EIA against this advice and they are generally supportive of the proposed scope.	The responses to SEPA's screening advice are detailed above.
SEPA	<b>LNG Storage:</b> SEPA encourage the Applicant to continue the dialogue regarding LNG storage to ensure that all required mitigation can be accommodated within the proposed layout. SEPA will advise on the likely consentability of the site layout during the planning application process and therefore it is vital that this dialogue continues and that all the required information is submitted in support of the planning application.	As set out in <b>Chapter 3: Project Description</b> , consents for the LNG storage will be sought from SEPA and the HSE by Calmac Ferries Ltd. (CFL).
SEPA	<b>Water Quality:</b> Surface water drainage should be assessed as part of the EIA and should demonstrate adequate space is available to treat surface water run-off. Waste water drainage should be directed to the public sewer. Site plans should include any existing waste water outfalls.	Information on the proposed surface water drainage and the proposed measures to mitigate environmental impacts is set out within <b>Chapter 3: Project Description</b> . <b>Chapter 22: Summary of Mitigation</b> summarises the proposed mitigation measures.
SEPA	<b>Flood Risk:</b> Updated Coastal Flood Boundary levels for Scotland will be available by the end of 2017 and updated climate change predictions in the spring of 2018.	The Flood Risk Assessment (FRA) provided in <b>Chapter 9: Flood Risk &amp; Climate Change</b> and associated modelling are based on the updated Coastal Flood Boundary Levels for Scotland and Climate Change Predictions. <b>Appendix 9-1</b> provides the results of the modelling which informed the FRA.
SEPA	<b>Borrow Pits:</b> SEPA assume that no borrow pits are proposed given that these are not highlighted in the Scoping Report. SEPA requested that this be stated in the applications.	As set out in <b>Chapter 3: Project Description</b> , the Applicant does not anticipate that any borrow pits will be required.
SEPA	<b>Schedule of Mitigation and Detailed Site Plans:</b> Detailed site plans should be submitted to demonstrate how impacts on the environment have been minimised through site design. All mitigation measures should be detailed within a suitably robust site-specific schedule of mitigation as part of the application rather than a CEMP.	Site plans are provided <b>Figures 3.1 to 3.7</b> . <b>Chapter 22: Summary of Mitigation</b> sets out the agreed mitigation measures that will be implemented by the Applicant during the construction and operation of the Proposed Development.
SEPA	<b>Land Reclamation:</b> Should waste dredging spoil be utilised in the land reclamation, SEPA will likely regulate this activity under the Waste Management Licensing (Scotland) Regulations 2011 given the use of sheet piles. If it is	Dredged material will not be used in the land reclamation due to construction programme

Consultee	Response	How the response has been addressed in the EIA Report
	proposed to utilise the dredging spoil within the land reclamation then the submission should demonstrate that the heavy metal spoil will not cause harm to the environment.	restrictions (see <b>Appendix 2.2</b> Best Practicable Environmental Option (BPEO)).
The Maritime Coastguard Agency (MCA)	<p>The MCA are content that any navigation safety concerns can be addressed by suitably worded conditions at formal marine licence stage.</p> <p>The MCA highlighted the Port Marine Safety Code (PMSC) and Guide to Good Practice (GTGP) and the need to liaise with the local Harbour Authority (THC) in consultation with Calmac Ferries Ltd. to develop a robust Safety Management System (SMS). The Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it, during and after construction.</p> <p>The MCA expects to see consideration given to potential impact of the construction works on vessels operating in the area and proposed risk mitigation methods. The Applicant should notify the UK Hydrographic Office at the Marine licence stage for consideration of updates to nautical charts and publications given the widening of the berth structure and new dredging. The local coastguard and local MCA Marine Office should also be notified of the proposed works.</p>	<b>Chapter 18: Commercial &amp; Recreational Navigation.</b>
Northern Lighthouse Board	Northern Lighthouse Board has no objections to these proposals and will reply formally in response to the Marine licence applications. Existing Aids to navigation (AtoN) should be reviewed and an overall plan for AtoN at the ferry terminal is discussed with the Northern Lighthouse Board.	Noted
Historic Environment Scotland	<p>Historic Environment Scotland is content that significant impacts on terrestrial heritage assets and their settings are unlikely in this instance and would be content for terrestrial heritage assets within their statutory remit to be scoped out of the assessment.</p> <p>The EIA should give consideration to where the proposed works may affect undesignated wreck sites and unknown marine remains. The potential for direct and indirect impacts on any such assets should be considered with appropriate involvement of archaeological expertise. Impacts may include direct disturbance, contamination and loss to historic environment assets and the de-stabilisation of sites.</p>	<b>Chapter 21: Marine Cultural Heritage &amp; Archaeology</b> Terrestrial cultural heritage and archaeology have been scoped out of the EIA.
Royal Yachting Association (RYA)	The RYA did not require the collection of further data but recommended consultation with Alan Rankin, the Manager of the Scottish Marine Tourism Strategy, to see whether Uig has been identified as a possible location for growth in recreational or cruise traffic.	<b>Chapter 18: Commercial &amp; Recreational Navigation.</b>
Defence Infrastructure Organisation (DIO)	The DIO confirmed that the Ministry of Defence (MOD) had no objection to the proposed activity.	Noted.
Whale and Dolphin Conservation	Whale and Dolphin Conservation noted concerns about the close proximity of the proposed development to the Inner Hebrides and the minches SAC for harbour porpoise. Full analysis of underwater noise propagation during development, especially for the noise generated during impact pile driving, would need to be conducted. If there was going to be significant noise from the development in the SAC, further mitigation methods, such as bubble curtains, may be required, and that an EPS licence would be required.	<b>Chapter 11: Marine Nature Conservation Areas and Chapter 14: Marine Mammals.</b>
The Highland Council (THC) (response to Marine Scotland)	Impacts on the Inner Hebrides and the Minches candidate Special Area of Consideration should include cumulative and in-combination effects with the nearby fish farms (ref 14/01595/FUL: Ru Chorachan and 15/03667/FUL: Rubha Riadhain) due to any additional impacts of additions on the qualifying feature and any impacts of increased/changes in	<b>Chapter 11: Marine Nature Conservation Areas</b>

Consultee	Response	How the response has been addressed in the EIA Report
scoping consultation)	ferry use e.g. larger and/or more frequent vessels, as well as piling and dredging.	
The Highland Council (THC)	<p><b>Consenting Requirements</b></p> <p>The THC Planning Service agrees that both onshore and offshore elements of the scheme should be assessed together. Both the planning and the marine licence applications should feature the full scheme. It will then be the responsibility of the planning authority and Marine Scotland to identify which considerations are material to their individual regulatory remits.</p> <p>As the scheme is considered EIA development, the normal permitted development rights available to the Harbour Authority as statutory undertaker do not apply.</p>	<p>This EIA Report assesses the Proposed Development as a whole, including both onshore and offshore elements as set out in <b>Chapter 1: Introduction</b>.</p> <p><b>Chapter 4: Legislative &amp; Planning Policy Context</b> sets out the loss of permitted development rights.</p>
THC	<b>LNG Storage:</b> The LNG storage may require Hazardous Substances Consent from the planning authority.	CFL will be responsible for all consents for the LNG storage.
THC	<b>Flood Risk:</b> Finished floor levels are likely to be conditioned to exceed the 1:200 coastal flooding level by a further freeboard height.	<b>Chapter 3: Project Description</b>
THC	<b>Marine Protected Areas:</b> As the issue here is related to piling noise it is considered to fall outside the remit of the planning authority. However, it is considered that, at only a 1 km range, the potential impact on the Harbour Porpoise SAC could be significant and it is considered likely that an Appropriate Assessment will be required.	Underwater noise propagation modelling has been carried out to assess the potential effects on fish and marine mammals, and in turn marine conservation areas designated for marine mammals. The method and results of the underwater noise modelling are provided in <b>Chapter 11: Marine Nature Conservation Areas</b> , <b>Chapter 13: Fish &amp; Shellfish</b> and <b>Chapter 14: Marine Mammals</b> .
THC	<b>Ornithology:</b> The survey work in respect of Corncrake is welcomed. Local RSPB officers should be able to assist as they have with other planning applications in the past.	<b>Chapter 15: Ornithology.</b> Pre-construction survey for corncrake is proposed, in the event that suitable habitat remains at the start of construction, and where construction may occur during the breeding season.
THC	<b>Socio-Economic Impact:</b> This is a potential material consideration for the authority and in respect of ‘amenity impact’ seems closely related to the proposed noise impact assessment proposed.	<b>Chapter 16: Socio-Economics &amp; Public Access</b>
THC	<b>Visual Impact:</b> It is accepted that the overall visual impact will not be significant. However, the planning application should include at least two ‘before and after’ visualisations from raised positions on the southern and northern sides of the bay. Advice on these locations should be sought beforehand.	Seascape, landscape and visual effects were scoped out of the EIA. Two visualisations of the Proposed Development are provided in <b>Figures 3.4 a, b and c</b> . These were taken from two vantage points agreed with THC on 27 June 2018

## 6. Approach to EIA

No Appendices

## 7. Marine Physical Environment

No Appendices

## 8. Marine Water Quality and Sediment Quality

No Appendices