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Craig Potter Principal Environmental Consultant Craighall Business Park 8 Eagle Street Glasgow G4 9XA

By email to CPotter@envirocentre.co.uk

Date: 6 April 2018

Dear Craig,

## Proposed developments at Stornoway Harbour

 Thank you for your letter of 15 December 2017 indicating that a harbour revision order ("HRO") may be sought under the Harbours Act 1964 ("the 1964 Act") on behalf of Stornoway Port Authority for developments at Arnish Deep Water Port and Newton Marina and requesting a screening opinion under paragraph 3 of schedule 3 of the 1964 Act.

## **Screening decision**

2. Where Scottish Ministers are notified of a proposed HRO which authorises a project they are required in terms of paragraph 4 of Part 1 of Schedule 3 to the 1964 Act to decide

(i) whether that application relates to a project which falls within Annex I or Annex II to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, and

(ii) if it relates to a project which falls within Annex II, whether taking into account the selection criteria, the project is a relevant project.

3. The Scottish Ministers have considered the characteristics of the project as described in the scoping reports provided and have concluded that:

(i) in respect of the development at Arnish Deep Water Port the application falls within paragraph 8(b) of Annex I to the Directive: and

(ii) in respect of the works at Newton Marina the application falls within paragraphs 10(e) and 12(b) of Annex II to the Directive and is a relevant project by by virtue of its size.







## **Deferral Direction**

- 4. Paragraph 20D of schedule 3 of the Harbours Act 1964 provides the Scottish Ministers with the ability to make a deferral direction in respect of a project which requires an environmental impact assessment if satisfied that an assessment of the effects on the environment of the project in question has been, is being or will be carried out by another consenting authority.
- 5. I understand that you intend to apply to Marine Scotland for Marine Licences to be granted by the Scottish Ministers under the Marine (Scotland) Act 2010 in relation to these same proposed developments at Stornoway Harbour. In addition, I understand that Marine Scotland will consider these applications for Marine Licences in terms of the requirements of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and that they have already issued scoping opnions to you in that regard.
- 6. The Scottish Ministers have determined that Marine Scotland, on their behalf, is a consenting authority in terms of paragraph 20D of schedule 3 of the1964 Act. Marine Scotland will carry out an environmental impact assessment of the effects of these projects on the environment during their consideration of Marine Licence applications under the Marine Works (Environmental Impact Assessment)(Scotland) Regulations 2017. The Scottish Ministers have further determined that that assessment will satisfy the requirements of Article 1(2)(g)(i) to (iv) of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.
- 7. Accordingly, in respect of any application for an HRO for the same projects, this letter confirms that a deferral direction to Marine Scotland under paragraph 20D of schedule 3 of the 1964 Act has been made.
- 8. This deferral direction means that, as regards any application for an HRO for these projects, the steps referred to in paragraph 20E(1) of schedule 3 of the 1964 Act do not require to be carried out.
- 9. A copy of this direction will be posted on Transport Scotland's website and will be available there during the consultation period for any HRO application.

Yours sincerely

VFerguson

Val Ferguson Ports Policy Co-ordinator



