

Brenda Jones
Developments Manager
Stornoway Port Authority
Amity House
Esplanade Quay
Stornoway HS1 2XS

brenda.jones@stornowayport.com

10 July 2024

Dear Brenda

1. I refer to your email of 8 May 2024 constituting Stornoway Harbour Authority's notice of its intention to submit a works Harbour Revision Order which seeks to develop a second phase to its Deep Water Port project, currently named Deep Water South. This proposed development would comprise:

- A new quay capable of taking heavy loads;
- A reclamation area behind the quay to provide laydown space; and
- A small amount of dredging to create a water depth of 13 metres below Chart Datum in front of the new quay.

2. It is intended that the proposed works will be authorised by a Harbour Revision Order (HRO) made under Section 14 of the Harbours Act 1964. A Marine Licence under Part IV of The Marine (Scotland) Act 2010 will also be required.

3. Under paragraph 4 of schedule 3 of the Harbours Act 1964, Ministers must decide whether a proposed application relates to a project which requires an environmental impact assessment (EIA), or "screening decision". At the same time as giving a screening decision, Ministers may also give their opinion under paragraph 6 of schedule 3 about the scope and level of detail which the applicant will be required to supply in an environmental statement, where one is needed.

4. As you will be aware, 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:

- Whether that application relates to a project which is of a type specified in Annex I or Annex II to 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 as amended ("the EIA Directive"); and
- If it relates to a project which is of a type specified in Annex II, whether taking into account the selection criteria, the project is a relevant project.

5. Ministers are also required to determine whether the project is likely to have a significant effect on a European site and, if so, whether an appropriate assessment is required in terms of regulation 48 of the Conservation (Natural Habitats & Etc) Regulation 1994.
6. Scottish Ministers have considered the characteristics of the project (as described and shown on the draft submitted plans and drawings) and have concluded that:
- The application relates to a project which is of a type specified in Annex I;
 - Having regard to the selection criteria, it is a relevant project in terms of Schedule 3 to the 1964 Act.
7. Accordingly, an EIA is required in terms of the 1964 Act.
8. Paragraph 6(4) Part 1 of Schedule 3 to the Harbours Act 1964 sets out that, before giving their scoping opinion, Scottish Ministers must consult with such bodies with environmental responsibilities or local or regional competencies as ministers considers appropriate.
9. Consequently, Transport Scotland has contacted its environmental consultees – the Scottish Environment Protection Agency (SEPA), NatureScot and Comhairle Nan Eilean Siar – on whether an Environmental Statement should be provided by the applicant under the terms of the Directive, and if so, the extent of the information referred to in Annex IV to the Directive which the applicant should supply in the statement.
10. In addition, consultees were also requested to confirm whether, in their view, the project is likely to have a significant effect on a European site and, if so, whether an appropriate assessment is likely to be required under regulation 48 of the Conservation (Natural Habitats, etc.) Regulations 1994.
11. The consultation period has now concluded. Please find the responses from the various consultees as **Annex A** to this letter. We trust that you will be able to address any issues raised by the various consultees before submitting your formal application for an HRO. It would, of course, be open to the consulting bodies to object to this application for consent if they still have concerns when the application is presented.
12. Please do not hesitate to contact me if you wish to discuss any aspect of this letter or the application process.

Yours sincerely



Dario Dalla Costa
Ports Policy Advisor

COMHAIRLE NAN EILEAN SIAR

A. INTRODUCTORY COMMENTS AND OVERVIEW

EIA Screening /Scoping consultation request

The proposed development constitutes Schedule 1 development as defined by the EIA Directive/Regulations as it would meet the definition of a “Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes”. The proposed Development is therefore Schedule 1 Development and will require Environmental Impact Assessment.

As such, the application relates to a project which falls under Annex I of the EIA Directive, and it is a relevant project.

Note: A Screening Opinion is not required for Schedule 1 development.

Paragraph 6(4) Part 1 of Schedule 3 to the Harbours Act 1964 sets out that, before giving their scoping opinion, Scottish Ministers must consult with such bodies with environmental responsibilities or local or regional competencies as ministers considers appropriate. Scottish Ministers has consulted Comhairle nan Eilean Siar on the Stornoway Deep Water South, Scoping Report (the Scoping Report) by Affric on behalf of Stornoway Port, dated 24 January 2024.

This response sets out the comments of Comhairle nan Eilean Siar on its views on the Scope of the EIA Report, with a focus on matters that are likely to result in a significant impact upon the Environment. As part of the process of preparing this scoping response the Comhairle has consulted with both internal and external stakeholders.

The Location

Within the limits of and on the shore of Stornoway Harbour, on the western shore of Glumaig Bay. North west of the Arnish fabrication workshop on Arnish peninsula and south of the near complete Stornoway Deep Water Port (DWP) development.

The Site

The proposed Deep Water South (DWS) facility is located immediately to the south of the current as illustrated in Figure 3.1 of the Scoping Report.

The Construction Project

The proposed DWS development is envisaged to comprise the following main components:

- A deep-water berthing area, with a water depth -13m Chart Datum (CD);
- A reinforced concrete quay capable of housing a heavy-lift crane of up to 3500T capacity;
- Reclamation area bounded by rock armoured slope providing laydown space;
- Mooring bollards, ladders and associated services on the quayside;
- Onshore laydown space west of the reclamation area; and
- Extraction of rock and levelling of an area at the southern end of the link road (south east of the reclamation area).

The Use

The following main activities are envisaged at the DWS site:

- Mooring of floating wind turbine bases (whole or components of) at the quayside;
- On-site assembly of floating wind turbines;
- The delivery by sea of the main wind turbine components for on-site assembly and the delivery by road of other equipment, plant and tools;
- Assembly of the floating wind turbines, utilising lifting equipment located on the quayside;
- Wind turbine pre-commissioning and initial testing activities will be carried out at the quayside to ensure that turbines safely and effectively operate;
- Provision of temporary, moveable welfare and office facilities for staff undertaking works on site;
- Maintenance of turbines in need of repair; and
- Use as a base for offshore maintenance.

Executive summary – comment

The proposed development constitutes Schedule 1 development as defined by the EIA Directive/Regulations as it would meet the definition of a “Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes”.

As such the proposed Development is Schedule 1 Development and will require Environmental Impact Assessment. Note: A Screening Opinion is not required for Schedule 1 development. The EIA Report (Executive Summary - Paragraph 2) should be updated accordingly

Development Consenting - comment

Development is defined by the Town and Country Planning (Scotland) Act 1997 (The Act).

The Project and end use comprise ‘Development’ as defined by the Act.

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended – Class 29c), confers Permitted Development Rights (PDR or Deemed Planning Permission) in that Development is authorised by the Order if it falls within: “29(c) any order made under section 14 or 16 of the Harbours Act 1964 which in each case designates specifically the nature of the development authorised and the land upon which it may be carried out”.

Ordinarily terrestrial development and associated PDR would require to have regard to The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. However, ‘Development’ permitted under Class 29(1)(c) of Part 11 is exempt (as this Class of Development is the subject of alternative consent procedures to which separate Regulations or procedures apply).

The EIA Report should clearly articulate these alternative consent procedures to which separate Regulations or procedures apply.

Transport Scotland Ports and Harbours Division has the power to grant a Harbour Variation Order under the Harbours Act 1964 and is the competent and lead Authority. 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.

Scottish Ministers are of the view that Marine Scotland, on their behalf, is a consenting authority in terms of paragraph 20D of schedule 3 of the 1964 Act and that Marine Scotland will examine the environmental impact assessment of the effects of the project on the environment during their consideration of Marine Licence applications under the Marine Works (Environmental Impact Assessment)(Scotland) Regulations 2017.

The project requires a Marine Licence under Part IV of The Marine (Scotland) Act 2010 and Marine Directorate require to carry out their own procedures for the purposes of EIA and the grant of a Marine Licence.

It should be noted that the project includes terrestrial works above MHWS. The regulatory remit of a Marine Licence does not exceed the limits of MHWS and therefore the developer and Scottish Ministers should satisfy themselves that the proposed deferral decision will allow for conditions deemed necessary to secure mitigate or reduce likely significant effects in relation to terrestrial development can be accommodated.

Policy context – comment

In para 4.2.4 of the Scoping Report 'Planning Policies', it states "As the updated OHLDP is unlikely to be updated in the Marine Licence and Harbour Revision Order submission timelines, it is proposed that the focus is put on considering policies laid out in NPF4"

It should be noted that NPF4 and the adopted Outer Hebrides Local Development Plan (2018) (OHLDP) together comprise the 'Development Plan' and the scope of both should be considered. It is only where there is any incompatibility between the provisions of NPF4 and the OHLDP that the most recently adopted document (NPF4) takes precedence. The Scoping Report should be updated to correct this erroneous statement.

General

The site is identified within the Stornoway Port Authority's (SPA) Masterplan as phase 2 of the Deep Water Port development. The Masterplan aims to grow and develop the port area while contributing to the socio-economic prosperity of Stornoway and the islands. The OHLDP endorses the Stornoway Port Masterplan and recognises it as an important opportunity to increase economic activity in the islands and in the case of Arnish, support key major ambition for the islands to become a global player in renewable energy generation and manufacturing.

The fourth National Planning Framework (NPF4) identifies the development of site as a National Development – Energy Innovation Development on the Islands. Annex B of NPF4 provides further detail the relevant section is part e) of the Outer Hebrides. Annex C of NPF4 also addresses the Outer Hebrides Energy Hub plans with a deep water port which would support servicing the energy sector and large-scale off shore renewables, identifying Arnish in Stornoway for this purpose.

Regional Spatial Strategies (Indicative)

The Planning (Scotland) Act 2019, establishes a duty for a planning authority to prepare and

adopt a regional spatial strategy. Regional Spatial Strategies (RSS) are long-term spatial strategies which specify the area/s to which they relate and identify: the need for strategic development; the outcomes to which strategic development will contribute; the priorities for the delivery of strategic development, and proposed locations, shown in the form of a map or diagram. The Scottish Government have stated that these (indicative at present) regional spatial strategies will continue to inform national priorities and that in turn NPF4 will support the delivery of regional priorities by identifying significant place-based opportunities for infrastructure planning to reflect and respond to. They expect an infrastructure-first approach to be embedded in the spatial strategies of local development plans. The Comhairle as planning authority has identified Arnish Deep Water Port and Energy Hub as a nominated 'national development' and included it as a priority project in its indicative Regional Spatial Strategy.

Policy Context

The relevant policies from the 'Development Plan' (NP4 and Outer Hebrides Local Development Plan) are:

- NPF Policy 1: Tackling the climate and nature crises, DS1: Development Strategy – Outwith Settlement but on a developed coast;
- NPF Policy 2: Climate mitigation and adaptation, PD6: Compatibility of Neighbouring Uses;
- NPF Policy 3: Biodiversity, ED1: Economic Development;
- NPF Policy 4: Natural places, ED5: Minerals;
- NPF Policy 5: Soils, EI 1: Flooding;
- NPF Policy 7: Historic assets and places, EI 3: Water Environment;
- NPF Policy 10: Coastal development, EI 4: Waste Management;
- NPF Policy 11: Energy, EI 5: Soils;
- NPF Policy 12: Zero waste, EI 8: Energy and Heat Resources;
- NPF Policy 13: Sustainable transport, EI 11: Safeguarding;
- NPF Policy 14: Design, quality and place, NBH1: Landscape;
- NPF Policy 18: Infrastructure first, NBH2: Natural Heritage;
- NPF Policy 22: Flood risk and water management, NBH4: Built Heritage;
- NPF Policy 33: Minerals, NBH5: Archaeology;
- STY3: Development of Stornoway Port Area; and
- OHLDP Proposal Site 16 Arnish.

The site is adjacent to and forms part of the LDP proposal site Economic Development: 16 Arnish, in the Outer Hebrides Local Development Plan (brownfield); this portion of the proposal site has been identified and safeguarded for Low Carbon/Renewables related development purposes. The existing use of Proposal Site 16 is a fabrication yard with other manufacturing and processing facilities. The core of the site is identified as the prime location for energy related development or other appropriate large scale uses that utilise its facilities and/or require a deep water harbour.

There are several constraints attached to Proposal Site 16 (as outlined in the proposal site template) which may be relevant to this proposal.

- CAA 17km Safeguarding Zone;
- Stornoway Airport, MOD Safeguarding Zone;
- Stornoway Airport; Druim A' Starraig above 45.7m;
- Stornoway Airport 3km notification;
- Stornoway Airport all developments;

- Scheduled Ancient Monuments adjacent; and
- Listed building adjacent

OHLDP STY3 Development of Stornoway Port Area: The site is within the identified 'developed coast'. The policy ensures development within the extent of the Stornoway Harbour Limits or on the adjacent identified developed coast takes account of the Stornoway Port Masterplan and safeguards sites identified within it. The Plan recognises that the developments identified within the masterplan represent an important opportunity to increase economic activity in the islands and in the case of Arnish, the multiplier effects offer opportunities to support key major ambition for the islands to become a global player in renewable energy generation and manufacturing. The policy also requires the National Marine Plan to be considered.

Note re Development Strategy

The application site is classed as outwith the settlement. The principal policy objective is to direct appropriate resource-based activity and ensure development has a quality of siting and design suitable to a more open and rural setting. Policy DS1 requires that all proposals in outwith the settlement require to be assessed against the capacity of the surrounding landscape to accommodate the development. There is also a requirement for all non residential uses on green field sites to demonstrate a justified need for the proposed Development in that location.

Given the proposed use of the site, adjacent existing uses, the proposed development being identified as a National Development and part of the Islands Growth Deal it is considered that suitable justification can be provided to meet the requirements of this policy.

EIA Methodology

The methodology as set out in Paragraph 5.2 of the Scoping Report is agreed.

COMMENTS ON THE SCOPE OF ENVIRONMENTAL IMPACT ASSESSMENT TOPICS

General

The Scoping Report is comprehensive in terms of the topics to be considered. However the EIA Report, once prepared, requires the points noted above to be taken into account and the text updated accordingly.

The scoping comments below follow the Chapter headings provided in the Scoping Report.

SEPA has provided detailed advice and note that on Site layout:

- Each of the drawings requested must detail all proposed temporary and permanent infrastructure. This includes all roads, excavations, buildings, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information.
- The layout should be designed to minimise the extent of new works on previously undisturbed ground.
- A comparison of the environmental effects of alternative locations of infrastructure elements may be required.

6. Air quality

Paragraph 6.6 of the Scoping Report recommends that construction and operational Air Quality be scoped out of the DWS EIA.

Environmental Health has advised that they are satisfied with the reasoning for scoping out Air Quality, but anticipate having an opportunity to recommend potential conditions at the consent application stage.

It would generally be recommended that the development consent include conditions like the following standard planning conditions for construction dust.

Dust

There is a potential for dust from the construction of this development to cause a nuisance to neighbouring properties. The following condition is recommended:

- A method statement should be submitted to the Planning Authority outlining what dust mitigation measures will be put in place for the duration of the construction phase.
- Should any complaints be received in respect of dust, the developer shall fully investigate these complaints to establish dust levels at any affected property.

Reason to protect the amenity at dust sensitive premises: The Comhairle agree that Air Quality may be scoped out of the DWS EIA.

7. Land and soil quality

The proposed DWS development includes shore-side earthworks to create levelled laydown space. Earthworks will involve the removal of topsoils prior to rock excavation.

SEPA was consulted and advise the following in relation to peat and peatland.

SEPA note that Onshore Ground Investigation followed by two rounds of peat investigations have been undertaken and a large proportion of the site is on peat. As there are deep peat pockets present on site (between 1m and 1.5m), SEPA will expect the application to be supported by a comprehensive site specific Peat Management Plan.

Where proposals are on peatland or carbon rich soils (CRS), the following should be submitted to address SEPA's requirements in relation to NPF4 Policy 5 to protect CRS and the ecosystem services they provide (including water and carbon storage). Peatland in near natural condition generally experiences low greenhouse gas emissions, is accumulating and may be sequestering carbon, has high value for supporting biodiversity, helps to protect water quality and contributes to natural flood management, irrespective of whether that peatland is designated for nature conservation purposes or not.

It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice.

The submission should include a series of layout drawings at a usable scale showing all permanent and temporary infrastructure, with extent of excavation required. These plans should be overlaid on the following:

- Peat depth survey showing peat probe locations, colour coded using distinct colours for

each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy in NPF4.

- Peat depth survey showing interpolated peat depths.
- Peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category.
- The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed excavation is on peat less than 1m deep.

The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating roads.

The Outline Peat Management Plan (PMP)

The PMP must include:

- A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
- A table clearly setting out the volumes of acrotelmic, catotelmic and amorphous excavated peat: (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed).
- Details of proposals for temporary storage and handling of peat - Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss.
- Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used.

Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on.

Please refer to [Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023](#), and the [Peatland ACTION – Technical Compendium](#) which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their

contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste – [Understanding the definition of waste](#).

SEPA suggest that as much of the site is likely to be peatland, a National Vegetation Classification (NVC) survey is undertaken without carrying out Phase 1.

GWDTE and existing groundwater abstractions

Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas.

A National Vegetation Classification (NVC) survey should be submitted which includes the following information:

- A set of drawings demonstrating all GWDTE and existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The survey needs to extend beyond the site boundary where the distances require it.
- If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.

For further information on assessments please refer to SEPA Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems, in particular sections 2.10 to 2.14.

Note: NatureScot also provides useful information on NVC survey method and mapping requirements. Please also refer to the [NatureScot guidance](#).

The Comhairle agrees that given the presence and likely volume of peat soils, that construction impacts on Land and Soil Quality be scoped into the EIA process for DWS.

The Comhairle agree that as the land will be levelled and allsoils removed from the operational areas, that operational impacts on Land and Soil be scoped out.

8. Water quality and coastal processes

The focus of this section of the Scoping Report is potential effects on water quality and coastal processes associated with the construction and operation of the proposed DWS development. It includes consideration of the project in terms of the Water Framework Directive (WFD).

It is proposed that construction impacts on Water Quality be scoped out of the DWS EIA, on the basis that the mitigation outlined in 8.6 and Appendix 1 is implemented.

Similarly, it is recommended that impacts on Water Quality from DWS operations be scoped out of the EIA process. This is on the basis that routine operational considerations of containment, surface water drainage, foul drainage arrangements and NNMS management are considered to be covered by SPA's environmental management system and compliance with CAR.

It is recommended that Coastal Processes be scoped in to the DWS EIA. The proposed DWS development is an expansion of existing structures in Glumaig Harbour and will further alter the dimensions of Stornoway Harbour waterbody. Modelling is required to understand the potential impacts of the DWS design on wave climate and sediment transport, and the potential knock-on effects on coastal processes. As such, it is proposed that modelling updated to include the DWS development be presented in the EIA.

It is also proposed that the topic be scoped in relative to Water Framework Directive Assessment. A TraC-MImAS assessment should be undertaken for the finalised DWS design and included within the EIAR.

The Comhairle (Head of Engineering) responsible for providing advice on flooding and coastal change, was consulted and advised that with regard to Coastal processes, Climate Change, Flooding they have no comment to make on the content of the Scoping Report.

The Development Plan supports development on the coast where it provides essential infrastructure and the location need is essential for operational reasons.

The potential construction impacts identified for the DWS are increased sediment in water column from dredging, infill of land reclamation area and surface water run off; loss of containment of fuel or concrete and the introduction of Non Native Marine Species.

The Report provides mitigation measures for both construction an operational impact on the water environment.

Note: SEPA advise that:

- The EIA submission must contain a scaled plan of sensitivities, for example peat, Ground Water dependent terrestrial Eco systems (GWDTE), proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment.
- Any proposed engineering works within the water environment above Mean High Water Springs or any proposed abstractions or discharges will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

The determining authority should seek advice from SEPA and NatureScot regarding the suitability of the proposed mitigation measures.

The Comhairle agree that the impact of the development of the Coastal process of Stornoway Harbour should be scoped in.

The Comhairle defer to the advice of SEPA on the recommendations for scoping in and scoping out of the impacts on water quality.

9. In-air noise and vibration

This section aims to understand the potential construction and operational in air noise and vibration impacts of the proposed DWS development.

Construction phase noise generating activities relevant to the proposed DWS development include the following:

- Pile installation;
- Rock blasting;
- Rock crushing;
- HGV and construction plant movements;
- Dredging (likely to be backhoe or trailed suction); and
- General construction activities.

Construction phase Vibration relates to the blasting for DWS. Blasting is instantaneous and the Report states that it will not give rise to a continuous source of vibration.

Operational noise from the proposed DWS will be variable dependent on the activities being carried out at any one time. The report states that operational activities are highly unlikely to cause noise levels to be significant at the Noise Sensitive Receptors (NSRs), identified in Table 9.2.1.

Operational phase vibration: The Report notes that there are no known notable sources of vibration expected during operations of the DWS development.

It is proposed in the Scoping Report that construction and operational In Air Noise and Vibration is scoped out of the DWS EIA, on the basis that mitigation measures outlined in the Initial Schedule of Mitigation (Appendix 1) are implemented and that noise impacts will have neutral significance.

Environmental Health was consulted and advise that EH is satisfied with the reasoning for scoping out noise and vibration.

The Comhairle therefore agree that construction and operational In Air Noise and Vibration is scoped out of the DWS EIA.

10. Underwater noise

The focus of this section is to provide an understanding of underwater noise and vibration associated with the construction and operation of the proposed DWS development. Note: Effects of underwater noise on marine mammals and fish are considered in Sections 12 and 13 respectively, taking account of the noise levels discussed in this section of the Scoping Report.

The main sources of noise during construction are associated with dredging and pile driving.

Underwater noise sources associated with operations are limited to vessel movements.

The Scoping Report proposes that Underwater Noise be scoped out from the DWS EIAR.

The Comhairle defer to the advice of the Marine Directorate and NatureScot in this regard.

11. Biodiversity

This section of the Scoping Report lays out the guidance and regulations relevant to ecological receptors and the impact assessment methodology used for Marine Mammals, Fish Ecology; Benthic Ecology, Terrestrial Ecology and Ornithology. Designated Sites Relevant to Deep Water South are also identified including distance and direction from DWS, qualifying features, whether they are considered further and the evaluation rationale.

CnES has no comment to make on the impact assessment methodology.

12. Biodiversity – marine mammals

This section considers the potential impacts on marine mammals from construction and operation of the proposed DWS development.

Potential Construction Impacts include Underwater Noise generated by construction activities of Piling and Dredging and Increased Sediment Loading; potential Release of Hazardous Substances affecting the water quality and Physical Injury to marine mammals.

Potential Operational Impacts include Underwater Noise, effects on Water Quality and Physical injury.

The Scoping Report recommends that Biodiversity – Marine Mammals is scoped out of the DWS EIA.

Comhairle nan Eilean Siar defer to the advice of Marine Directorate and Nature Scot on this topic.

13. Biodiversity – fish ecology

This section considers the potential impacts on fish ecology from construction and operation of the proposed DWS development.

Two watercourses flow into Stornoway Harbour, from the north and from the west. The River Creed (Abhainn Ghrloda) flows into Stornoway Harbour from the west, and is situated just north of the proposed DWS development and Glumaig Harbour. This watercourse water classification is high overall, with high overall ecology, fish and fish barrier classifications (SEPA, 2020). A high overall fish barrier classification means that <1% of the system is inaccessible due to manmade structures, supporting the migration of fish. The River Creed has been highlighted as a good spawning site, with gravel habitat suitable for use by both salmon and sea trout (Envirocentre, 2018).

In the inner harbour to the north, a small river known as the Glen River or Bayhead River runs through the outskirts of Stornoway and into Glumaig Harbour. Upstream, the watercourse flows from the eastern end of Loch Airigh na Lic. The catchment, despite being small, holds good areas of spawning gravels, potentially suitable for use by both salmon and sea trout.

Protected receptors considered by this assessment include:

- Diadromous Fish, including Atlantic salmon, sea trout, and European eel;
- Basking sharks; and
- Raitt's Sandeel.

Potential Construction Impacts include Increased Sediment Loading Release of Hazardous Substances, Underwater Noise. Potential Operational Impacts would be associated with changes in water quality.

It is proposed by the Scoping Report that fish ecology is scoped out of the DWS EIA, as with mitigation to protect water quality in place, no significant impacts are anticipated.

The proposed location is close to the mouth of the River Creed, a migratory trout and Atlantic Salmon system. Comhairle nan Eilean Siar does not have an ecologist on staff and can provide no advice in this regard. However the Comhairle has consulted the Western Isles District Salmon Fisheries Board which provided the below comments in relation to the proposed scope.

“Having studied section 13 of the scoping report WIDSFB are concerned over the repeated inference that no impact is anticipated on migratory salmonids. Since the Deep Water Port EIA was published in 2020 Atlantic Salmon have been reclassified on the IUCN Red List as an endangered species in Great Britain. This designation reflects the serious population decline Atlantic Salmon have suffered which the IUCN suggest is partly due to water quality. The development presents a risk of increased sediment loading as well as noise from piling work. WIDSFB would prefer a precautionary approach be adopted whereby the potential for impact to occur is anticipated and mitigation measures are identified.

The Scoping report mentions adult Atlantic Salmon on their return migration to spawn but there is no mention of outward migrating Salmon smolts. Dredging and piling work should be avoided during sensitive times for wild salmon. This would include mid April to the end of May for the smolt run and then mid June until the end of September for returning adults. Further information on smolt run timing, swimming speeds and migration is available via the west coast tracking project.

In summary WIDSFB do not agree that Atlantic Salmon/Migratory Salmonids should be scoped out of the Deep Water South EIA.”

Comhairle nan Eilean Siar defer to the advice of Marine Directorate and the DSFB on this topic.

14. Biodiversity - benthic ecology

This section considers the potential impacts of the proposed DWS development on seabed habitats and species, collectively termed benthic ecology

Comhairle nan Eilean Siar defer to the advice of SEPA, Marine Directorate and Nature Scot on this topic.

15. Biodiversity - terrestrial ecology and ornithology

This section considers the potential impacts on terrestrial ecology from the proposed DWS development.

Potential Construction Impacts are identified as Habitat Loss, Spread and Introduction of Invasive Non-native Species, Accidental Physical Damage, Disturbance and Spread and Introduction of High Pathogenic Avian Influenza (HPAI).

Potential Operational Impacts are identified as Accidental Physical Damage, Disturbance and Spread and Introduction of High Pathogenic Avian Influenza.

It is proposed that terrestrial habitats, and species (bats, birds, otter and herptiles) be scoped out of the DWS EIA, on the basis that the mitigation outlined in 15.4 and Appendix 1 of the Scoping Report (pre-construction surveys for protected species undertaken within the appropriate seasons and prior to works, where necessary. Furthermore, Species Protected Plans (SPP) for herptiles, bats, birds and otter will be produced, and updated, if necessary after the completion of pre-construction surveys; Mitigation to be implemented during the proposed DWS construction will be set out within a Construction Environmental Management Document (CEMD).).

Comhairle nan Eilean Siar do not have an ecologist on-staff and therefore defer to the advice of Nature Scot on this topic.

16. Resource usage and waste

This section of the Scoping Report considers the potential impacts associated with materials utilised in the construction of the proposed DWS facility, and waste that may arise during construction. It also covers the anticipated resource use and waste streams associated with expected activities at the proposed site once operational.

The Scoping Report proposes that Resource Usage and Waste be scoped out of the DWS EIA. This is on the basis that through the proposed construction methodology, utilising locally sourced rock material including that produced from creation of the on-shore laydown space, and the application of best practice with regards to waste management, impacts are anticipated to be non-significant.

CnES Municipal Services was consulted and advised that they do not envisage any issues in relation to the Comhairle's waste management facilities or services from the proposed development.

SEPA was consulted and support use of local materials where available and implementation of waste hierarchy during construction works.

Comhairle nan Eilean Siar agree with the recommendation that Resource Usage and Waste be scoped out of the DWS EIA.

17. Climate change and flooding

This section of the Scoping Report considers the potential Greenhouse Gas (GHG) emissions and/or savings, and the resultant carbon footprint associated with construction and operational phases of the proposed DWS scheme. The ways in which the effects of climate change, such as extreme weather events and rising sea levels, may impact the development during its lifetime are also considered.

Potential Construction Impacts include Carbon Emissions associated with materials used for construction, Vehicle Movements and removal of peat and effects on Climate change.

Potential Operational Impacts include Carbon Emissions Vessels utilising the port facilities; Services associated with the port facilities i.e. electric; General operational maintenance activities; and vehicle movements due to deliveries of cargo and workers commuting to and from the development. No detrimental impacts as a result of climate change are anticipated with respect to operation of the DWS development.

It is proposed that Climate Change and Flooding is scoped out of the DWS EIA. It is recognised that there will be carbon emissions associated with construction of the proposed DWS development, primarily associated with the intrinsic carbon cost of materials and use of fossil fuels during construction works. This is noted as a one-off carbon cost, and averaged over the considerable operational lifetime of the proposed DWS development not deemed to be significant in EIA terms.

The proposed height of the land-reclamation area is in the region of +7.2m to +7.5m relative to CD incorporating sufficient allowance for climate change and freeboard in relation to sea level rise and storm events.

The Comhairle (Head of Engineering) was consulted and advised that with regard to Coastal processes, Climate Change, Flooding they have no comment to make on the content of the Scoping Report.

The Comhairle agrees with the recommendation that Climate Change and Flooding is scoped out of the DWS EIA.

18. Landscape, seascape and visual effects

This section addresses the potential direct and indirect effects of the proposed DWS development on landscape, seascape, and visual interests.

It is noted that an initial appraisal has been undertaken as a desk study exercise to identify the following:

- The landscape character of the site and surrounding area;
- The seascape character of the site and surrounding area;
- The coverage of any landscape designations across the site and surrounding area;
- Important views and viewpoints towards the site from the surrounding landscape/seascape;
- Any potentially significant landscape and visual effects during construction and post-completion; and
- Proposed impact assessment.

Based on the findings of this desk-based appraisal and the potential for significant effects during construction and operational phases as detailed above, it is recommended that Landscape, Seascape and Visual Effects be scoped in to the DWS EIA. A full Landscape, Seascape and Visual Impact Assessment (LSVIA) should be undertaken, in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Version 3 (Landscape Institute and the Institute of Environmental Management and Assessment, 2013).

It is noted that the development Platform at 7.2m AOD will, on approach to Stornoway Harbour on the ferry, be largely screened from views by the raised topography of Arnish Point. However, it is noted that the assembly of an offshore turbine at a height of 330m above HAT and height of crane jib at 216m above will affect a wide range of receptors.

The Comhairle agrees that a Seascape, Landscape and Visual impact assessment should be scoped into the EIA, using the methodology and guidance identified.

With regards to key views and visual receptors fuller consideration should be given to a number

of views including: the approach to Stornoway Harbour and the ferry terminal, and views from Lews Castle Grounds and Castle including the Lews Castle and Lady Lever Park designations; views and amenity of residents within Stornoway and surrounding areas; and views from within and towards in the Conservation Area in the EIAR. The Proposed Viewpoint Selection (when considered in conjunction with the cultural heritage viewpoint selection) appears reasonable. The developer/agent could liaise further with NatureScot and the Planning Dept if required to consider any further viewpoints.

19. Archaeology and cultural heritage

The focus of this section of the Scoping Report is on the potential effects on the historic environment associated with the construction and operation of the proposed DWS development. It aims to identify the nature and extent of any known heritage assets or areas of archaeological potential, onshore and offshore, that may be affected by the proposal.

The Scoping Report recommends that Archaeology and Cultural Heritage be scoped into the DWS EIA.

The Comhairle's Archaeology Service was consulted and notes the inclusion of Section 19: Archaeology and Cultural Heritage within the EIA Scoping document. Appropriate legislation and guidelines have been acknowledged and this section discusses both terrestrial and marine historic environment assets and considers the potential impact / effects on these features, during the construction and post construction phases of the development and that the potential for unknown archaeological remains and palaeo-environmental deposits are also considered.

The Comhairle's Archaeology Service have made following comments:

- The document makes reference to the findings of both the terrestrial and marine archaeological program of works carried out for the Deep Water Port (DWP) project; however, it should be noted that the CnES Archaeology Service has not received copies of either the marine archaeological survey or the terrestrial watching brief reports. Due to this lack of information the Archaeology Service is unable to comment in detail. It is recommended that copies of these reports are sent to the Archaeology Service prior to submission of the EIAR.
- This section also identifies potential operational impacts from aspects of the development on the setting of historic assets and assessment it proposed. It is recommended that visual impact assessment is expanded beyond the proposed 5km buffer to enable appropriate assessment regarding the floating wind turbine impacts. This could be approached using an inner study area and then increasing 5km buffers.
- The document proposes appropriate mitigation covering pre-construction and construction phases of the development, including review of previous geophysical survey data carried out for DWP, watching briefs and Protocol for Archaeological Discoveries. A program of new geophysical survey should be carried out for any areas within the DWS boundaries and buffer zones that were not previously surveyed during the DWP assessments. This data will further inform the marine planning consent aspect of this development as set out in Scotland's National Marine Plan 2015.
- With regard to 3.3.1 Construction Methods, it is noted that rock blasting, vibration and impact drilling are some of the construction techniques likely to be implemented. The Archaeology Service would take this opportunity to highlight potential negative impact to the island dun in Loch Arnish, through shock waves or vibration. Recent studies have identified this site as a stone and possibly timber constructed crannog. Loch Arnish Dun (MWE4316) is also a scheduled monument (SM 5397). It is recommended that early

discussion is entered into with Historic Environment Scotland to discuss this potential issue.

All required archaeological works and works that impact upon cultural heritage should be cognisant of the above comments and informed by guidance from the Comhairle's Archaeology Service and Historic Environment Scotland.

Historic Environment Scotland (HES) was consulted and advised as follows:

“There are several onshore designated heritage assets within the vicinity of the development site, such as Lews Castle (LB18677), its associated GDL (GDL00263) and a number of scheduled monuments, such as Arnish Point, gun emplacements (SM5347), Loch Arnish, dun (SM5397), Cnoc na Croich, chambered cairn (SM6550), Druim Dubh, stone circle (SM5504) & Rubha Shillinish, promontory fort and homestead (SM5253).

The impact on the setting of these assets would derive from the storage of offshore turbines at the site rather than from the physical components of the quay itself. However, there is not yet sufficient clarity regarding the visual impacts of this temporary infrastructure, and there may be scope within the proposed options to mitigate setting impacts on our interests.

We would expect these issues to be explored further as the scheme is developed, with the use of photomontages where adverse impacts are predicted. We would welcome further engagement with the applicant regarding setting impacts on onshore assets as the proposals progress. Further information regarding the setting assessment is provided in the annex below.

The EIA assessment for the proposals should be undertaken by a suitably experienced heritage professional with an understanding of marine issues. The assessment should meet the requirements of National Planning Framework 4 (2023), the Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance Notes. Additional guidance can also be found in the Cultural Heritage Appendix to the EIA Handbook (SNH, HES, 2018).”

The Comhairle agree that Archaeology and Cultural Heritage should be scoped into the DWS EIA.

20. Human health

From an EIA perspective, public health is considered in terms of both potential positive and negative impacts on the health of the population. (Health and safety for employees is covered under other regulatory frameworks and is not considered within an EIA).

It is recognised within the Scoping Report that there may be negative human health impacts such as increases in demand for housing, healthcare, and potential for impacts to air quality, however, all identified potential impacts to human health are deemed negligible or non-significant, and therefore the Scoping Report proposes that Human Health be scoped out of the DWS EIA.

The Comhairle agree that Human Health be scoped out of the DWS EIA.

21. Population and socio-economics

The focus of this section of the Scoping Report is the potential impacts of the proposed DWS development on population and socio-economics in the local area. Consideration is given to

both the construction and operational phases of the project.

Potential Construction Impacts include: Direct jobs associated with construction works; Local sourcing of materials; and Indirect jobs through the supply chain and service industry sectors.

Potential Operational Impacts include:

- Direct jobs and income associated with SPA staff required to operate the facility;
- Direct jobs and income associated with the offshore renewable activity accommodated /carried out at the facility;
- Education and training opportunities associated with the above; and
- Indirect jobs and income through the supply chain.

It is anticipated that positive, significant impacts will arise during the construction and operation of DWS. In addition, there is the potential for social interactions with the local community which also need to be considered. The Scoping Report proposes that Population and Socioeconomics be scoped into the DWS EIA.

Comhairle nan Eilean Siar recognises the important contribution that Stornoway Harbour makes to the economic prosperity of na h-Eilean an Iar. Section 2 (Background) of the Scoping Report advises that a key aim of the masterplan is to contribute to the socio-economic status of Stornoway and the Outer Hebrides and that the purpose of the DWS project is to provide facilities that will support the development of offshore wind generation in general and in particular, the assembly of floating offshore wind turbines and development of local operations and maintenance activities.

The Comhairle Economic Development lead was consulted and advised that having looked at the scoping report, the areas of economic development are covered in the report as one would expect and appear to be well presented. No concerns on the [recommendations of the] scoping report as presented.

Comhairle nan Eilean Siar agree that Population and Socioeconomics be scoped into the DWS EIA.

22. Shipping and navigation

The focus of this section is the potential impacts of the proposed DWS development on shipping and navigation, during both construction and operational phases.

Stornoway Harbour is a long established and main shipping hub on the West Coast of Scotland and the sea area within the harbour limits falls within the jurisdiction of Stornoway Port Authority (SPA). SPA has well established procedures and mitigation in place for managing shipping activities and movements within and on approaches to the Harbour.

The Scoping Report proposes that Shipping and Navigation be scoped out of the DWS EIA.

Note: The local gas network is supported by delivery via shipping tanker to Stornoway Harbour. To this end, Scottish Gas Networks were consulted on the proposals and provided the following comments:

“SGN's Stornoway LPG plant provides a gas supply to approximately 1700 homes and businesses. The LPG supply at the plant requires regular replenishment via road tanker to

maintain security of supply. It is critical that freight disruptions do not impact on SGN deliveries to site and the proposed project will need to consider security of gas supply and prioritise freight/tanker deliveries with minimal disruption before, during and after construction.

Prior to any consents being applied for, a meeting between SGN Asset Management and the developer must take place to discuss the possibilities of supply disruption in greater detail and to identify/agree on suitable mitigating actions if deemed required.”

Comhairle nan Eilean Siar agree that Shipping and Navigation be scoped out of the EIA.

23. Aviation

Once operational the proposed DWS facility will accommodate offshore wind turbines undergoing construction and pre-commissioning. The turbines themselves and the heavy-lift capacity crane utilised in their assembly are structures of significant height. As such, potential aviation interactions need to be considered.

It is noted that SPA will commission an airport safeguarding review from an appropriately qualified air traffic consultant in consultation with HIAL. SPA and its consultant will work with HIAL and the other airport stakeholders to develop proposals for any mitigations required to avoid an adverse impact on air traffic. This will be done in accordance with relevant CAA guidance and submitted for approval by the CAA.

The undernoted Aviation stakeholders were consulted by the Comhairle (please note: The MOD is no longer the consultee for the safeguarding of Met Office safeguarded assets and the Met Office require to be consulted in their own right – metofficesafeguarding@metoffice.gov.uk):

Met Office safeguarding

The above proposal, which is approximately 12.1 km from our weather radar at Drium-A-Starraig (located at NGR: 154460 932393). A key requirement for the weather radar is to provide advance warning of severe weather and real-time information which is vital to the continued operation of military and civilian aviation as well as to forecasters as part of the UK Weather Radar Network, including input to flood forecasting. As such the Met Office is a Category 2 Responder.

Wind turbines have been shown to have detrimental effects on the performance of Met Office weather radars and the accuracy of the products and services derived from the data. These effects include the creation of false ‘clutter’ returns and such effects can imitate or obscure real precipitation signals.

I have reviewed the Scoping Report and have concerns about the proposed pre-commissioning of offshore wind turbines. There is potential that turbines would be in the beam of the radar at Drium-A-Starraig and may create false clutter returns.

Therefore, the Met Office confirms that we expect to be included in a suitable assessment to fully consider the potential effects from the proposed development on the Met Office weather radar at Drium-A-Starraig. We expect the assessment to outline the frequency and duration of pre-commissioning of offshore wind turbines, including the anticipated rate of rotation of the turbine blades.

Highlands and Islands Airports Limited

HIAL have assessed the proposed development and would require the developer to apply for a crane permit. This can be accessed online at [their website](#).

Ministry of Defence

Having studied the documentation the MOD have the following observations:

- *“As noted in the report the development involves alterations below the MHWS line for which a marine licence would be required. Page 127 notes that the MOD use the port facilities. Additionally, the offshore site falls within MOD Practice and Exercise Areas (PEXA) X5820 & X5815. Whilst this was assessed for the previously approved Deep Water Port with no concerns, this would be assessed again when a Marine Licence application is submitted.*
- *As noted in the report (page 131), the site falls within Low Flying Area 14 into which the introduction of tall narrow structures have the potential to introduce hazards to low flying military aircraft.*
- *As noted in the report (page 131/2), the introduction of tall narrow structures (crane up to 250m and turbines up to 330m ASL). “The wind turbine at the quayside will not be operational, however, during pre-commissioning activities, low-speed controlled movement of the blades for short periods is anticipated. Potential impacts associated with wind turbine construction and pre-commissioning are as follows:*
 - *Physical presence of tall structures giving rise to a collision risk;*
 - *Unwanted radar returns; and*
 - *Unwanted communication, navigation and surveillance (CNS) returns”.*

The moving blades have the potential to impact on MOD assets which would require assessment.

The MOD look forward to being consulted at future stages of this application.

The Comhairle agree that an Aviation Safeguarding review and mitigation plan is required for DWS and advise that the Met Office should be included as a consultee in this work.

24. Access, traffic and transport

The focus of this section of the Scoping Report is the potential impacts on the local transport network during construction and operation of the proposed DWS facility.

Potential Construction impacts associated with the proposed DWS development could affect road safety, pedestrians, cyclists, cause driver delays and disrupt local amenity. These impacts may arise from:

- Construction personnel commuting to work;
- Material deliveries (aggregates, cement and components);
- Delivery and removal of heavy plant to carry out works; and
- Removal of waste from site (small volume anticipated).

Potential Operational Impacts will primarily be limited to staff commuting to and from the site. As such minimal operational impacts are identified as arising from the proposed DWS development.

The Scoping Report recommends that Access, Traffic and Transport for the construction phase be scoped in to the DWS EIA.

It is proposed that consideration of operational effects be scoped out. The Comhairle's roads section was consulted on Transport Infrastructure and Roads Layout and advised as follows (please note that while the Comhairle is aware that the consultation relates [in the main] to marine works, that the construction works and subsequent operations will have terrestrial based implications for the road network):

“Parking for the development should be based on the standards set out in the Outer Hebrides Local Development Plan.

The Scoping Report states the projected transport figures suggest that both the junctions and the routes on the existing network will operate within their capacity. The document also recognises that certain roads will be affected by a marked increase in the volume and frequency of HGV's on both the construction and operational phase of the development.

An updated TA will be scoped into the EIAR which will be used to develop a Construction Traffic Management Plan. This should be submitted before works commence on the development. There may be restrictions on HGV movements around schools at specific times.

The Report also states that the Operational Phase of the development will be scoped out of the report on the basis of the Potential Operational Impacts 24.4.

The proposed improvement to the Arnish Road will lessen the effect of the operational impact.”

A Plan detailing the location of the works compound and contractor parking should be made available before works commence on the development.

The Comhairle agree that Access, Traffic and Transport for the construction phase be scoped into the DWS EIA. It is proposed that consideration of operational effects be scoped out.

25. Major accidents and natural disasters

A major accident can be caused by both man-made and natural hazards, and may be defined as: 'an event, such as a train derailment or major road traffic accident, which threatens immediate or delayed serious environmental effects to human health, welfare and/or the environment, and requires the use of resources beyond those of the client or its appointed representatives (i.e., contractors) to manage.

The Scoping Report proposes that Major Accidents & Natural Disasters be scoped out of the DWS EIA. This is on the basis that all locational or use risks identified are adequately addressed by design of the DWS proposal, existing legislation or other topics within this report, as detailed in Table 25.3.1. of the Scoping Report.

26. Cumulative impacts

The Scoping Report notes that to comprehensively consider potential impacts of the proposed DWS development, its effects need to be considered in conjunction with other developments that are planned within the local or regional area.

This will include: Offshore Developments and Onshore Developments.

The Developer is advised to engage with the Planning authority when preparing the EIA Report to obtain an up-to-date list of known infrastructure projects (onshore wind, offshore wind, other energy and electricity transmission infrastructure that will require to be taken into account in the cumulative impact assessment.

HABITATS REGULATIONS APPRAISAL – COMMENT

Ministers are also required to determine whether the project is likely to have a significant effect on a European site and, if so, whether an HRA/Appropriate Assessment (AA) is required in terms of regulation 48 of the Conservation (Natural Habitats & Etc) Regulation 1994.

It is therefore necessary to consider if the developments will affect a Special Protection Area designated under the Wild Birds Directive or Special Areas of Conservation designated under the Habitats Directive and if so, the application must be subject to an assessment of those effects in accordance with the Conservation (Natural Habitats &c.) Regulations 1994.

It is the view of Comhairle nan Eilean Siar that AA will be required for the:

- Inner Hebrides & The Minches Special Area of Conservation (SAC) which has a qualifying feature of harbour porpoise (*Phocoena phocoena*);
- Lewis Peatlands Special Area of Conservation (SAC) in terms of otter (*Lutra lutra*); and
- Potentially ornithology depending on the outcome of pre-construction surveys for birds forming qualifying species of the Lewis Peatlands Special Protection Area (SPA).

The Planning Authority does not have an Ecologist on staff and defer to the views of NatureScot on the information required to allow the competent authority to undertake HRA/ AA.

Note: PDR is subject to the provisions of the The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and regulations 60 to 63 of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

NATURESCOT

PROPOSED DEVELOPMENT AT STORNOWAY HARBOUR – HARBOUR REVISION ORDER – ENVIRONMENTAL IMPACT ASSESSMENT SCREENING AND SCOPING REQUEST

Thank you for your consultation regarding the Environmental Impact Assessment (EIA) Screening and Scoping Opinion for the above proposal, and for affording us additional time to prepare our advice.

NatureScot Advice – EIA screening

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

Screening and scoping advice

We advise that with regards to our interests the Report accurately identifies natural heritage receptors that may be significantly impacted by the proposal. We are in agreement with the report's recommendations on what should be scoped in to (and out of) the EIA Report.

The exception to this is the European otter feature of the Lewis Peatlands Special Area of Conservation (SAC). While the report scopes this in, we recommend that it be scoped out on the grounds of their being no connectivity between this SAC and the proposed development.

The principal marine natural heritage issue arising from this development which will require further consideration in the EIAR is the potential effect of drilling/piling noise on marine mammals, particularly cetaceans, including harbour porpoise within Inner Hebrides and the Minches SAC and Risso's dolphins in the North East Lewis Marine protected Area (MPA).

We are aware the proposed development contains elements which are above and below Mean High Water Springs (MHWS), and will therefore likely require consents from both the local planning authority and Marine Directorate. Given the complex regulatory regime covering the overall development, we'd welcome the co-ordination of the EIA process between competent authorities. This response considers the entire scope of the proposed works associated with the development and not only those relevant to marine issues.

In the absence of detailed proposals for the construction and operation of the Deep Water South port, we envisage further consultation with NatureScot to determine the scope of survey and /or other work that may be required to properly assess impacts on marine mammals and fish.

Annex A of this letter provides further detail to assist with the EIA process.

I hope you find the above comments useful, however should you wish to discuss the issues further, please do not hesitate to contact me (Mark MacDonald, Operations Office – Operations West) at mark.macdonald@nature.scot.

Annex A

DETAILS TO ASSIST WITH THE EIA FOR STORNOWAY DEEP WATER SOUTH

We have a variety of guidance covering topics such as protected areas and protected species. We would expect the applicant to follow the latest guidance as published on [our website](#).

Guidance on the EIA process is also available, including a link to our [EIA handbook](#).

Protected areas

Inner Hebrides and the Minches Special Area of Conservation (SAC) – North-east Lewis MPA

The proposal (as defined by the EIA red line boundary) lies within 2km of the Inner Hebrides and the Minches SAC selected for its harbour porpoise interest. Based on the information provided, the proposal could affect the conservation objectives of the site.

It also lies within 1km of the North-east Lewis MPA designated for Risso's dolphin. Further information on development management and nature conservation MPAs is available via this [link](#). Our recommendation is that the EIAR also considers possible impacts on Risso's dolphins in this context.

The most likely impact relates to disturbance to cetaceans (and seals) due to underwater noise generated during the construction phase of the project (principally from piling and/or drilling). Should any blasting be required this too will need consideration. Noise can adversely impact cetaceans (including harbour porpoise) by masking communication between animals, disturbing natural behaviour and distribution, impairing hearing or even, at close proximity, causing injury or death. The risk of such impacts is influenced by factors including location of the proposed activity, its duration, whether it is continuous or intermittent, time of day, and the methodology. However, disturbance is possible over ranges of several kilometres from the actual operation.

In addition to the EIA regulations, the site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") also apply. Consequently, Transport Scotland will be required to consider the effect of the proposal on the SAC before it can be consented. Given what we currently know, our view is that this proposal is likely to have a significant effect on harbour porpoise within the SAC. Consequently, Transport Scotland is likely to be required to carry out an appropriate assessment. It is important that the EIAR contains sufficient information to support this assessment. We therefore advised that this topic should be scoped in (as per the Scoping Report recommendation).

We welcome the commitment to model underwater noise propagation to inform a Marine Mammal Protection Plan. To inform that process we advise that the following references should be considered:

- [Good Practice Guide for Underwater Noise Measurement](#) (2014). National Measurement Office, Marine Scotland, The Crown Estate, Robinson, S.P., Lepper, P. A. and Hazelwood, R.A., NPL Good Practice Guide No. 133, ISSN: 1368-6550.
- Farcas A., Thompson P.M., Merchant N.D. (2016). ["Underwater noise modelling for environmental impact assessment"](#), *Environmental Impact Assessment Review* Vol 57 pp. 114-122.

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 we advise that the EIAR consider both Southall and NOAA injury thresholds:

- National Marine Fisheries Service (2016). [Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts](#). U.S Dept. of Commer., NOAA. NOAA Technical Memorandum NMFS-OPR-55, pp. 178.
- Southall B.L., Bowles A.E., Ellison W.T., Finneran J.J., Gentry R.L., Greene Jr. C.R., Kastak D., Ketten D.R., Miller J.H., Nachtigall P.E., Richardson W.J., Thomas J.A., & Tyack P.L. (2007). ["Marine Mammal Noise Exposure Criteria: Initial Scientific Recommendation"](#). *Aquatic Mammals*, Vol 33 No 4.

Disturbance should also be assessed. We advise that there is currently no agreed disturbance threshold as such, but that assessments are moving away from identifying a fixed threshold, towards using a dose response curve as used in:

- Thompson P.M., Hastie G.D., Nedwell J., Barham R., Brookes K.L., Cordes L.S., Bailey H., & McLean N. (2013). ["Framework for assessing impacts of pile-driving noise from offshore wind farm construction on a harbour seal population"](#). Environmental Impact Assessment Review Vol 43 pp. 73- 85.

However the [NOAA interim disturbance thresholds](#) may prove sufficient in this case.

While we expect the above guidance to be considered, the final assessment should be proportionate to the scale and risk of the works. We can provide further guidance on this aspect if required.

Appropriate mitigation should be put forward based on relevant best practice guidance including the [Statutory nature conservation agency piling protocol \(August 2010\)](#).

Consideration should be given to the size of the noise mitigation zone and the best way to cover it. It is usual to apply a standard 500m radius, however consideration should be given to whether the harbour area, or a larger extent should be monitored. It should also consider the most appropriate viewpoints and the number of MMOs required.

Protected species

Marine Mammals

Several species of cetaceans occur regularly in the North Minch including Risso's dolphin (*Grampus griseus*), Short-beaked common dolphin (*Delphinus delphis*), Killer whale (*Orcinus orca*), Minke whale (*Balaenoptera acutorostrata*), Humpback whale (*Megaptera novaeangliae*), Bottlenose dolphin (*Tursiops truncatus*) as well as Harbour porpoise (*Phocoena phocoena*). Harbour porpoise are resident in the region throughout the year while other species occur more frequently during the summer and autumn months. Grey (*Halichoerus grypus*) and Harbour (*Phoca vitulina*) seals are also sighted regularly. We recommend that the MMPP considers impact on all of the above cetacean species and seals. Although the hearing characteristics of these different species vary somewhat from harbour porpoise the advice given re the cSAC above, is also relevant to other marine mammals. It is possible that an EPS license will be required if the mitigation proposed in the MMPP is not possible or appropriate. Sufficient information should be provided in the EIAR to support such an application.

Birds

We consider that impacts on birds can be scoped out of further assessment.

Otters

The site includes suitable habitat for the European Protected Species otter. Otter activity can change over time and we recommend that otter surveys are repeated if more than 18 months elapses between the original survey and commencement of works (to avoid risk of an offence).

Landscape

In our view the proposed development does not raise any concerns with regard to landscape impacts of national importance. An LVIA should be undertaken as part of an EIA. We welcome that commitment as a matter of best practice for a development of this nature however we have no comment to make on its focus. Please note that NatureScot does not act in an advisory capacity on Garden and Designed Landscape designations

SCOTTISH ENVIRONMENT PROTECTION AGENCY

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Harbour Revision Order

Stornoway Deep Water South Development

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) screening and scoping opinion in relation to the above development.

Our position and advice, given below, is based on the determining authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22, as defined in National Planning Framework 4. If this is not the case, please advise so we can re-consider our position and advice.

We would welcome engagement with the applicant to discuss any of the issues raised in this letter. Whether or not the Environmental Impact Assessment (EIA) is required is a matter for Comhairle nan Eilean Siar to decide in their capacity as the determining authority for the land based elements of the project.

Advice for the determining authority

To **avoid delay and potential objection** the EIA submission must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment.

Marine related elements

Any works which are purely within the marine environment, including at any stage of EIA, fall below the threshold on which we wish to be consulted. Please refer to SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations which is available [here](#).

Land based elements

We request that the issues covered in Appendix 1 below, be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which provides pre-application advice and can help the developer focus the scope of the assessment.

1. Peat and peatland

1.1 We note that Onshore Ground Investigation followed by two rounds of peat investigations have been undertaken and a large proportion of the site is on peat. As there are deep peat pockets present on site (between 1m and 1.5m), we will expect the application to be supported

by a comprehensive site specific Peat Management Plan. Please refer to the attached Appendix 1, paragraph 4.6 for more details regarding all requirements.

1.2 As it appears that much of the site is likely to be peatland, we suggest a National Vegetation Classification (NVC) survey is undertaken without carrying out Phase 1. For further information on assessments please refer to SEPA [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#), in particular sections 2.10 to 2.14. NatureScot also provides useful information on NVC survey method and mapping requirements.

2. Pollution prevention and environmental management

2.1 The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory requirements. Please refer to the [Guidance for Pollution Prevention](#) (GPPs) and our [water run-off from construction sites webpage](#) for more information.

2.2 We support use of local materials where available and implementation of waste hierarchy during construction works. We hope this will be included in the final EIA document.

3. Other planning matters

3.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: ahsh@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.north@sepa.org.uk including our reference number in the email subject.