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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) 2017 REGULATIONS

DECISION NOTICE – MARINE LICENCES TO CONSTRUCT, ALTER OR IMPROVE WORKS, DREDGE AND DEPOSIT DREDGED SUBSTANCES OR OBJECTS ASSOCIATED WITH THE DEEP WATER PORT DEVELOPMENT AT GLUMAIG HARBOUR, STORNOWAY, ISLE OF LEWIS

1. Application and description of the works

On 8 December 2020, Stornoway Port Authority ("the Applicant") having its registered office at Amity House, Esplanade Quay, Stornoway, HS1 2XS submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 ("the 2010 Act") for the construction, alteration or improvement, dredging and deposit of dredged substances or objects associated with the development of a deep water port at Glumaig Harbour, Stornoway (hereinafter collectively referred to as "the Works"). The applications were accompanied by an Environmental Impact Assessment Report ("EIA Report") in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW

Regulations"). Additional information was submitted by the Applicant to the Scottish Ministers on 9 June 2021 relating to surveys of existing marine archaeology in the vicinity of the Works and the measures to identify and manage any archaeological features discovered in the course of the Works.

1.1 The Works cover an area of approximately 0.547 square kilometres ("km^2") and involve redeveloping infrastructure to accommodate new, larger cruise ships as well as commercial freight vessels, service the renewables sector, and to provide a suitable area for oil and gas decommissioning. The location and boundary of the site in Glumaig Bay, Stornoway is shown in Appendix 1.

1.2 The Works include the following components located below the Mean High Water Springs ("MHWS"):

- Construction of the main quay;
- Construction of a heavy load area;
- Construction of a pontoon;
- Construction of a bollard island;
- Construction of the freight ferry berth and linkspan;
- Creation of a levelled area by land reclamation;
- Capital dredging, removal of parts of wreck SS Portugal and height reduction of the SS Alabama;
- Construction of a link road by land reclamation.

1.3 The Works will be carried out as one continuous delivery programme. The expected time to complete the Works is 15 to 20 months. Planning permission has been granted in principle from Comhairle nan Eilean Siar to cover the aspects of the Works taking place above Mean High Water Springs. A harbour revision order has also been granted by Transport Scotland.

1.4 Both vibratory and impact piling may be used during the Works, however impact piling will only be utilised where design depths of the piles cannot be achieved through the use of vibratory piling. Construction will be carried out between 07:00 to 19:00 Monday to Saturday, however work outwith these hours may be required on an infrequent basis to suit tides and vessel movements. Dredging may be carried out on a 24-hour basis in order to minimise the duration of the dredge. Sunday working is not anticipated to occur.

Construction of the main quay

1.5 The main quay of the port is to be 306 m long, orientated north-north-west to south-south-east with the area behind the quay wall being infilled as part of the land reclamation. The quay wall will be a piled combi-wall consisting of 123 cm diameter king piles connected by sheet piles. The piles will be topped with reinforced concrete, poured in-situ. 114 m of the southern end of the main quay will consist of a 15 m wide open-piled finger pier. The pier is to be constructed using 0.8 m diameter vertical steel bearing piles to support the deck load and 0.8 m angled raking piles. The pier is also to be topped using

concrete decking, poured in-situ. Floating foam filled fenders will be installed onto both the quay wall and the finger pier.

Construction of a heavy load area

1.6 A heavy load area will be constructed at the southern end of the main quay wall, adjacent to the start of the finger pier. It will cover an area of 1050 m^2 and be capable of taking loads of 20,000 tonnes in weight. The area will be formed of steel tube piles topped with a concrete slab.

Construction of a pontoon

1.7 A heavy duty floating pontoon is to be installed alongside the western side of the finger pier. The pontoon will be 100 m long and 4 m wide and comprised of reinforced concrete, steel framing and polystyrene floats with a mesh decking. The pontoon is to be secured to the finger pier using steel guide beams. Vertical rubber fender units are to be secured to the berthing face of the pontoon. A 25 m fabricated steel access bridge from the finger pier to the pontoon will also be installed.

Construction of a bollard island

1.8 To account for the overhang that the largest cruise ships will have at the main quay, two bollard points will be constructed on the existing rock outcrops to the south of the finger pier to provide suitable securing points for stern lines. Rock fill will be added to raise the outcrop and a concrete base structure will be included to support the pillar bollard. A 4 m wide causeway from the link road to the bollard structures will also be constructed to allow for small port vehicles to turn. The structure including the causeway will be protected by rock armour. Rock armour and infill will be won from the hill cutting operations.

Construction of the freight ferry berth and linkspan

1.9 The freight ferry berth is to be situated on the northern end of the reclaimed area orientated approximately east to west. The berth itself will be 140 m long and its piled combi-wall will be constructed in the same manner as the main quay wall detailed in paragraph 1.5. Fendering will be provided at the freight ferry berth through the use of floating pneumatic fenders, held in position by heavy steel chains and equipped with a rubber tyre net. In addition, a linkspan will be constructed to the western end of the ferry berth. The linkspan bridge will be a steel structure, supported on a reinforced concrete abutment at the landward side and on steel frames mounted on two dolphins at the seaward end. The dolphins will consist of reinforced concrete blocks supported on piled steel tubes. The toes of the piles will be installed with steel toe pins grouted into holes drilled in the bedrock to sustain shear loads before being piled in the rest of the way. The dolphins will also support mooring bollards.

1.10 An alternative design for the ferry berth has also been developed, should the combi-wall be cost prohibitive. In this case, the combi-wall would be replaced with a rock armour slope.

Creation of a levelled area by land reclamation

1.11 An area of around 7 hectares at a height of +7.5 m C.D. is to be formed mainly through land reclamation, with part being formed by cutting into the hillside to level the area down to the desired height. Rock won from the hillside will be used as infill in the land reclamation along with material obtained from the dredging operations outlined in paragraph 1.13. The boundaries for the land reclamation will be established through the construction of the main quay and freight ferry berth piled combi-walls, with the rest of the perimeter formed by rock armoured bunds.

1.12 An electrical substation as well as storage tanks for water and oil will be installed on the reclaimed area in order to service the main quay and the freight ferry quay.

Capital dredging and height reduction of the SS Alabama

1.13 The area around the main quay, and the approaches to it, are to be dredged to a depth of -10 m C.D.. This is expected to generate 500,000 m^3 of dredge material, predominately sand and gravel, over an area of 0.26 km^2. It is expected that over 90% of the material dredged will be re-used as infill in the land reclamation. The remaining unsuitable material (up to 50,000 m^3) is to be deposited at the authorised Stornoway sea deposit site (HE035) situated within 2 km of the Works. The dredging will most likely be undertaken using a trailer suction dredger allowing the material to be directly pumped into the land reclamation area and unsuitable material to be deposited at the sea deposit site via the bottom doors. Alternatively, a barge mounted backhoe dredger could be used, with barges utilised to carry material to the infill areas where they could be unloaded at temporary berths.

1.14 The dredging works also necessitate a height reduction of the SS Alabama wreck which lies near the freight ferry berth. The wreck itself lies at -12 m C.D. however there are small sections of the wreck at depths between -3.5 m C.D. and -8 m C.D. with larger sections of the ship below -8 m C.D. As this would present a danger to navigation for ships using the freight ferry berth, parts of the ship sitting above -8 m C.D. will be dismantled by dive teams using hot cutting techniques such as broco rods. It is anticipated that up to 400 tonnes of steel will require to be cleared using these methods with the parts of the ship cut being stored within the remaining body of the wreck.

Construction of a link road

1.15 A road connecting the port with the nearby Arnish Industrial Estate will be constructed as part of the Works to allow large and heavy components to be imported from and exported to the Industrial Estate. While most of the road will be constructed above MHWS, parts of the road will be built upon reclaimed land protected by rock armour protection.

1.16 This decision notice contains the Scottish Ministers' decision to grant regulatory approval for the Works as described above, in accordance with the 2017 MW Regulations.

2. Summary of environmental information

2.1 The environmental information provided by the Applicant was:

- An EIA Report that provided an assessment of the impact of the Works on a range of receptors.
- Additional information pertaining to surveys of existing marine archaeology in the vicinity of the Works and the measures to identify and manage any archaeological features discovered in the course of the Works.

2.2 A summary of the environmental information provided in the EIA Report and additional information is given below.

Landscape and Visual

2.3 The effects of the Works on the landscape resources, coastal character and visual resources of the site and the surrounding area, during construction and operation, were assessed as part of a Landscape and Visual Impact Assessment ("LVIA"). The LVIA was based on a worst-case scenario, with 11 viewpoints within 5 km of the works selected in consultation with NatureScot and the local authority to provide the most open views onto the site of the Works. The assessment of visual effects takes account of the sensitivity of the visual receptors (individuals or groups of people), their susceptibility to change, the value attached to the views based on recognition by various sources, and the magnitude of the change on their views and visual amenity. Landscape effects are also considered taking into account the sensitivity of key characteristics, the value of the landscape and the magnitude of the effect. A focused coastal assessment was also provided.

2.4 During the construction phase of the Works, the LVIA judged there to be significant visual impacts on the receptors at nine viewpoint locations. Furthermore, the assessment determined there to be significant landscape and visual effects on four receptors including the Lews Castle and Lady Lever Park, designated as a nationally important Garden and Designated Landscape ("GDL") and the Stornoway Harbour coastal character area.

2.5 During the long term operational phase of the Works, significant visual effects are predicted on the receptors at the same nine viewpoint locations as during construction. Whereas, in relation to the landscape and visual effects, the effects were only judged to be significant on three receptors, no longer including the Lews Castle and Lady Lever Park GDL.

2.6 Although some significant visual and cumulative effects are predicted during the construction and operational phases of the Works, these are relatively localised in extent. It is also noted that due to the screening effect of nearby developments and vegetation, any significant effects are often restricted to

very small parts of the locales, however where there are open views across the harbour, various parts of the Works are likely to occupy a large part of the view.

2.7 Where significant adverse visual effects have been identified, these are all within 1.8 km of the site and it is asserted that such effects are to be expected given the scale and nature of the Works. Mitigation in the form of design choices to minimise any visual impact have been proposed such as the need to avoid the use of imported rock, minimisation of rock extraction where possible to preserve the skyline and locating the site near other industrial buildings. These design choices alongside a commitment by the Applicant to ensure that the site is kept as tidy and orderly as possible during construction aim to ensure that that significant detrimental effects are mitigated as far as practicable.

2.8 No long term significant effects are predicted on any landscapes character types or any Designated Landscapes including Lews Castle and Lady Lever Park Garden GDL. However, it was determined that given the magnitude and nature of changes across the Western Coastline to the harbour, the Works would result in an unavoidable significant effect on the Stornoway Harbour coastal character area.

Water Environment, Soils and Coastal Processes

2.9 The Applicant undertook a desk based study combined with ground investigations, computer assisted modelling of wave regimes and sediment dispersal, and peat and sediment sampling to gather baseline information regarding the water environment, soils and coastal processes. A number of impacts upon water quality and the physical environment were identified as resulting from the construction of the Works including; increased sediment loading from various construction activities including dredging, potential for hazardous substances and litter to be released into the marine environment, the introduction of non-native marine species, the removal of rock and peat, and the hydromorphological implications of the Works.

2.10 The Applicant assessed the impacts associated with both the construction and operation phases as follows:

<u>Water Environment</u>

2.11 Dredging, the deposit of dredge material, land reclamation and surface water run-off are all either likely or certain to release sediment into the water column. Particle size analysis of the dredge material showed that approximately 95.6% of the material dredged should be suitable for use as infill in the land reclamation. The composition of the seabed material also indicated that any material suspended in the water column would settle quickly and therefore is not expected to significantly increase sediment loading in the water column outwith the immediate vicinity of the Works. Chemical analysis of the sediment within the dredge area showed that there were various metal elements and polyaromatic hydrocarbon compounds present in the

sediments, however the concentration of these compounds and elements were of a concentration deemed suitable for deposit at sea. Given that the sediment is not expected to disperse far, will settle quickly and, is not significantly contaminated, no significant impacts on the water environment as a result of increased sediment loading are expected, and no mitigation is proposed.

2.12 The release of hazardous materials from vessels or materials stored or used during the construction or operation of the Works was assessed as having a non-significant impact on the water environment. While the impact of some of the substances that could be released was assessed as medium to high in magnitude, it was considered that the Applicant's existing measures relating to working with such substances such as the existing Port Safety Management System were sufficient to reduce the probability of these events occurring to non-significant levels. The release of litter into the marine environment was also considered to be non-significant for both the operational and construction phases as while it is probable such an event could occur, the impact of such an event is considered to be low and a suite of best practice mitigation measures are proposed by the Applicant to reduce the risk of such an event occurring. Similarly, the magnitude of impact arising from the introduction of non-native marine species is considered to be high, however the existing biosecurity management plan implemented at the harbour, the types of vessels frequenting the site of the Works during construction and the inert nature of any imported materials renders the risk of such an impact occurring unlikely and therefore the resultant effect is assessed as non-significant. Surveys will however still be undertaken prior to the Works commencing to identify any invasive non-native species in the vicinity of the Works and any additional mitigation will be implemented as part of a Construction Environmental Management Document ("CEMD") as appropriate. The risk of introducing non-native invasive species during operation has been assessed as being very unlikely due to the existing measures in place at the harbour which reduce the risk of introduction via visiting or departing vessels.

2.13 In regards to the hydromorphological implications of the Works, an assessment was undertaken to ensure compliance with the Water Framework Directive, implemented into national legislation through the Water Environment and Water Services (Scotland) Act 2003. Under this legislation, all transitional and coastal waterbodies must be designated and given a status indicating its potential and quality. It is an offence to cause a deterioration the overall status of a waterbody. The Works sit within the Stornoway Harbour waterbody which has an overall status of good under the legislative regime outlined above. Upon assessment of the impact that the physical footprint of the Works would have upon the hydromorphological potential of the waterbody, it was determined that the works would not cause a deterioration of the Stornoway Harbour status of good. While there will be a deterioration in the subtidal hydromorphological potential of the waterbody from the Works, this will not cause an overall level of deterioration to below the good status. As such the overall waterbody status of the Stornoway Harbour remains at good and no action or mitigation is required in relation to this impact.

2.14 Water run-off is expected to occur from any hard-standing areas of the Works which in this instance are the area of land reclamation and the swales of the access and link roads during the operation of the Works. No change in water quality is expected from run-off arising from either of these areas as the drainage from the reclaimed area will be in line with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 regime which will ensure that any run-off from the roads will undergo a single level of treatment before discharge into the marine environment. Similarly, existing best practices and regulatory compliance mean that that untreated foul discharge is unlikely and therefore the impact of both are considered non-significant without the need for further mitigation.

Soils

2.15 A full assessment of the effects of the impact upon soils within the vicinity of the Works has been undertaken by the Applicant. These impacts, being entirely terrestrial, have been considered by the local authority when granting planning permission and therefore no further consideration will be given to them in this decision notice.

Coastal Processes

2.16 Modelling was undertaken of the baseline coastal processes and flood risk in the area of the Works. It was determined that due to the way the waves penetrate into the harbour area, the wave climate at the site of the Works will not be affected. It was noted that the site of the Works is within a medium to high flood risk category. The Works have been designed to sit at +7.5 m C.D. so as to be 1.39 m above the expected sea level rise of a 1 in 200 year flood event and are therefore unlikely to flood. Modelling shows that tidal surface level elevations are not expected to rise beyond levels of 890 millimetres by the year 2100 and therefore the Works are not deemed to have any change upon the existing risk of flooding within the area.

2.17 The changes to coastal processes have been assessed to be non-significant due to the lack of influence that the waves entering Stornoway Harbour have upon the area of the Works and vice versa. While changes in the order of 20-30 centimetres in wave height during a 1 in 50 year storm are expected to the north and south of the Works, these are unlikely to affect the structure of the coastline. Modelling of alterations to current speeds within the harbour area also show that tidal differences are expected to be negligible both inside and outside the site of the works.

2.18 Through the implementation of the mitigation measures outlined above for the management of non-native species and for preventing pollution, the impacts are considered to be reduced to non-significant and therefore no significant impacts to water quality, soils or coastal processes, as a result of the Works are predicted.

Marine Mammals

2.19 The Applicant undertook a desk based study of scientific literature to establish which marine mammal species were present within the Minch area. Eight species of cetaceans are regularly recorded in the Minch including harbour porpoise, white-beaked dolphins, Risso's dolphins, killer whales and minke whales. Bottlenose dolphins, short beaked common dolphins and Atlantic white sided dolphins are regular visitors. In addition, grey seals and common seals are resident in the area. While these species are present in the Minch area, it is noted that due to the shallowness of the water in Stornoway Harbour and the Glumaig Bay area, it is unlikely that they will be within 1km of the Works. In regards to protected sites designated for marine mammal interests, the EIA Report identified the following sites as having connectivity and being potentially impacted by the works:

- North-east Lewis Nature Conservation Marine Protected Area ("NC MPA") 1.3 km to the south east, with the sea deposit site within the NC MPA and designated for Risso's dolphin;
- Inner Hebrides & the Minches Special Area of Conservation ("SAC") 1.8 km to the south east, 850m from the sea deposit site and designated for harbour porpoise; and
- Sea of the Hebrides NC MPA 120 km to the south and designated for minke whale.

2.20 In terms of impacts, it has been identified that the Works have the potential to impact marine mammals through the following means:

- Underwater noise arising from dredging, piling and drilling during construction and noise generated by increased vessel presence during operation;

- Changes in water quality caused by increased sediment loading from the dredging and infill activities, as well as the potential for the release of hazardous substances during construction and operation; and

- An increased risk of physical disturbance or injury from the deposit aspects of the dredging activity and increased vessel movements during the operation of the port.

2.21 In relation to piling, the assessment of impact magnitude has been based on the worst case scenario of impact piling the 123 cm diameter king piles of the main quay and freight ferry berth. The greatest impact ranges for Temporary Threshold Shift ("TTS") and Permanent Threshold Shift ("PTS") were identified for high frequency cetaceans including harbour porpoise. The zone of TTS encompassed the majority of Stornoway harbour and likely out into the Inner Hebrides and the Minches SAC. The zone of PTS included most of the harbour area however it is unlikely that harbour porpoise will be present in this area due to the nature and characteristics of the harbour which mean that it is much shallower than their preferred foraging depths. Similar conclusions were drawn with regards to the zone of impact and use of the area for low frequency cetaceans, including minke whales, and mid frequency cetaceans.

2.22 With regards to seals, the zone of TTS also encompasses most of the harbour area. Low densities of grey seals have been recorded in this area so are unlikely to be present during the Works however common seals are more likely to be present due to the nearest haul out site being 25 km from the Works. Common seals are however unlikely to remain in the zone of PTS for long periods as it does not provide suitable foraging habitat.

2.23 The impacts of underwater noise generated by the drilling and dredging activities on marine mammals were also assessed, however the effects were considered to be non-significant due to the noise generated being unlikely to have any temporary or permanent impact given that no marine mammals are expected to be sufficiently close to these activities for such an effect to occur.

2.24 The increased risk of physical injury or disturbance resulting from the deposit of dredge material at the Stornoway deposit site has been assessed at moderate significance against all marine mammal species identified as being present in the Minch area due to the potential for any animal to be killed or injured during deposit operations. The risk of physical injury due to increased number of ships during the operation of the port was assessed however the density of ships in the harbour area is not expected to significantly increase and therefore the risk of injury is unlikely enough to consider the impact to be negligible.

2.25 Changes in water quality caused by increased sediment loading from the dredging and infill activities, as well as the potential for the release of hazardous substances during construction and operation were assessed as being non-significant or having no change on the marine mammal species in the area without the need for further mitigation. This is due to the predicted low numbers of marine mammals in the immediate vicinity of the works which may be affected by short term increased sediment loading and assuming that the measures stated above in paragraph 2.12 are implemented to reduce or remove the risk of hazardous substances being released.

2.26 The Applicant has proposed mitigation for the significant impacts identified in the form of a Piling Marine Mammal Protocol and a Spoil Disposal Marine Mammal Protocol to be provided for approval by the licensing authority as part of the CEMD prior to the Works commencing. In addition, all vessels will be required to follow the guidance in the Scottish Marine Wildlife Watching Code.

2.27 The Piling Marine Mammal Protocol is an amended version of the Joint Nature Conservation Committee (“JNCC”) piling mitigation protocol, including the establishment of a 500 m mitigation zone that will be monitored by suitably qualified Marine Mammal Observers (“MMO”) positioned at vantage points. Pre-piling MMO watch will begin 20 minutes before the commencement of any piling activity and piling will not commence if any marine mammals are detected within the mitigation zone or until 10 minutes after the last visual or acoustic detection. Passive acoustic monitoring (“PAM”) equipment positioned in a suitable location will be used to monitor for presence of cetaceans if any piling commences during periods of darkness, poor weather conditions or reduced visibility. A soft-start procedure using a noise generator will be used

for all piling where the piles are in excess of 30 cm in diameter, with initial power levels to be approximately 10% of the final level.

2.28 The Spoil Disposal Marine Mammal Protocol follows a similar approach to the piling protocol and requires the establishment of a 200 m mitigation zone around the deposit vessel at the deposit site that will be monitored by suitably qualified MMO positioned at vantage points either on land, or in poor visibility, on the vessel. The MMOs will undertake a 20 minute pre-watch prior to the commencement of any deposit activity and deposit will not commence if any marine mammals are detected within the mitigation zone or until 5 minutes after the last visual detection, or 10 minutes if acoustic detection is used. PAM equipment deployed from the vessel will be used to monitor for presence of marine mammals if any deposit activities take place during periods of darkness, poor weather conditions or reduced visibility.

2.29 Through the implementation of the mitigation measures outlined within the piling and spoil disposal protocols, the impacts are considered to be reduced to non-significant and therefore no significant impacts to marine mammals are predicted.

Fish Ecology

2.30 The Applicant undertook a desk based review of published literature to establish which protected fish species would be present in the area surrounding the Works. Three diadromous fish species were identified as present within the river and coastal areas close to the works; Atlantic salmon, sea trout and European eels. Two water courses with diadromous fish populations flow into Stornoway harbour so all three of these species were found to transit in high densities potentially through the area of Works in the course of their diadromous cycle. No rivers discharge to the sea in the vicinity of the deposit site so diadromous fish are unlikely to be present in that area. Basking sharks were identified as being present within the Minch, although not in high densities and none are likely to be within 1 km of the development, or in the vicinity of the dredge deposit area, due to the shallowness of the water there. Raitt's sandeel, a protected feature of the North-east Lewis NC MPA, was also identified as being present around the Isle of Lewis however it was noted that they were likely to be absent around the Stornoway Harbour entrance and the dredge deposit site due to the shallow water depth.

2.31 The Works have the potential to impact fish ecology receptors through the following means:

- Underwater noise arising from dredging, piling and drilling during construction changes and noise generated by increased vessel presence during operation; and

- Changes in water quality caused by increased sediment loading from the dredging and infill activities, as well as the potential for the release of hazardous substances during construction and operation.

2.32 These impacts have been assessed as being minor, non-significant against all species identified. In relation to the underwater noise, the activity that causes the highest impact is the noise generated from the piling activities, with the 123 cm diameter king piles forming the worst case scenario, the same as in paragraph 2.21. The possible detrimental effects of underwater noise on all fish species, including basking sharks, is as described in paragraph 2.21, namely disturbance, TTS and PTS. While the EIA Report notes that there is a lack of evidence available to show the effects of impact piling upon diadromous fish species, the maximum TTS range from the source of the noise is expected to be 150 m and disturbance is expected to be low within a 1000 m radius. As such, only non-significant impacts are expected upon the diadromous fish receptors identified due to the localised and temporary nature of the impact combined with the low possibility that they will be in high densities at a distance where TTS can occur. Basking Sharks are less sensitive to disturbance from underwater noise then diadromous fish species as they do not have a swim bladder and given their size, are not likely to be in the 150 m radius of the noise source due to the shallow waters surrounding the area of the Works. As such, the impacts of underwater noise upon basking sharks is expected to be negligible and non-significant.

2.33 For the increased sediment loading, the non-significance of the impact is due to the localised and temporary nature of the impacts and due to some species not likely to be close enough to the impact to be affected. In addition, the sediment is due to settle quickly and significant levels of contamination were not noted during sampling. As such, the impacts for all fish species, including basking sharks, are considered to be negligible and non-significant.

2.34 Assuming the mitigation to reduce or remove the risk of hazardous substances being deposited into the marine environment as per paragraph 2.12 is implemented, that impact is also assessed as non-significant for fish without the need for further mitigation. It is also noted within the EIA Report that although impacts to basking sharks were found to be non-significant, as a matter of best practice, the piling and dredge spoil deposit protocols described in paragraphs 2.27 and 2.28 above will also apply to basking sharks. As such, no significant impacts to fish ecology are expected as a result of the Works.

Benthic Ecology

2.35 In order to establish a baseline for benthic species likely to be present in the vicinity of the Works, a desk-based assessment using up to date scientific information was commissioned by the Applicant. The desk-based assessment concluded that there was the potential for '*Laminaria saccharina* and red seaweeds on infralittoral sediments', '*Echinocardium cordatum* and *Ensis spp*. in lower shore and shallow sublittoral slightly muddy fine sand', '*Zostera marina/angustifolia* beds on lower shore or infralittoral clean or muddy sand' and mearl beds, all of which have been designated as Scottish Priority Marine Features ("PMF"), to be present at the proposed dredge area. Surveys of other areas of the Works where habitats would be directly affected such as the area of land reclamation did not identify any high value habitats or species. The conservation of PMFs, if present, are considered to be of regional

importance with the potential to be of national importance. A benthic survey was therefore undertaken to visually identify the species present. The survey consisted of 9 transects of the dredge area using a drop down camera system to capture underwater video. Analysis of the footage taken was then analysed by an experienced marine ecologist using computer software to identify any features present. Of the PMF features identified as potentially present within the boundary of the Works, only '*Laminaria saccharina* and red seaweeds on infralittoral sediments' alongside a significant area of kelp and seaweed communities on sublittoral habitat and various other infralittoral features of local importance were confirmed as present within the surveyed area. Maerl beds were also identified within the area to be dredged though were deemed not to meet the criteria to be considered as the PMF due to limited coverage, however maerl beds that would meet the criteria of the PMF were identified as being approximately 500m from the dredge area.

2.36 Further benthic features were discovered in the course of a diving survey undertaken to investigate the SS Alabama wreck, situated upon the wreckage itself including plumose anemone (*Metridium senile*), dead man's fingers (*Alcyonium digitatum*), hydroids, sea squirts, common sea star (*Asterias rubens*) and red algae, however none of the species identified are afforded any regional or national importance, and are therefore considered to be of moderate local importance.

2.37 During the construction aspects of the Works, a number of potential impacts upon benthic species have been identified. The land reclamation, dredging and the relocation of sections of the SS Alabama are all anticipated to lead to the direct loss of benthic habitat. With regards to the land reclamation, the deposit of dredge material and the SS Alabama relocation, this impact is considered as non-significant given the low importance of the species identified and the expectation that it will not have an impact on the wider population in the area. However in regards to the dredging activity, around 7000 m^2 of the '*Laminaria saccharina* and red seaweeds on infralittoral sediments' PMF was identified, alongside other species of lesser significance, as being present within this area and is assessed as having regional importance. Projections show that around 80% of this habitat within the area will be temporarily lost as part of the dredging activity. This PMF is recorded as being particularly resilient and being quick to recolonise. Sampling of the area has identified that there is sufficient substrate under the area to be dredged for zoospores to resettle and that if dredging is carried out to the design, there should be sufficient resources left in the area to allow for recolonisation within the space of a few years. Given this, the PMF is expected to fully recover from the dredging activity and therefore the effects of the direct removal of habitat due to dredging activity on benthic ecology is expected to be non-significant without the need for mitigation. No maintenance dredging is planned following the construction of the deep water port and therefore recolonisation can be expected across the entirety of the dredge area.

2.38 The potential for the remobilisation of sediment as a result of the dredging and land reclamation activities during construction has also been identified as a

potential impact upon benthic ecology. The material likely to be mobilised is made up of dense materials which will not remain in suspension for long and any potential for smothering is only expected where the sediment is mobile. This information coupled with the resilience of the notable benthic species within that area as noted above, leads to the conclusion that there are not anticipated to be any significant effects on benthic species as a result of the mobilisation of sedimentation during construction and no specific mitigation is required.

2.39 Some benthic receptors may be lost or disturbed through the cutting of the SS Alabama wreck, however these are common and widespread, therefore there will be no impact on conservation status. It is also noted that the parts of the wreck which are removed will be relocated within the existing footprint of the wreck and therefore the benthic ecology occupying these sections will not be lost.

2.40 As noted above, in paragraph 2.12, there is the potential for the release of hazardous material and the introduction of non-native marine species to cause an impact upon benthic receptors. No marine non-native invasive species were noted as being present in the area during the surveys or as part of the desk-based assessment, therefore assuming the mitigation measures committed to in those paragraphs are employed and best practice followed, the impacts of both the release of hazardous material and the introduction of non-native species are anticipated to be non-significant.

Terrestrial Ecology

2.41 The EIA Report covers a number of impacts upon various terrestrial ecological features, however such impacts have been considered as part of the planning permission process and as such, no further discussion will be given to them here.

The only exception to this is the potential for impacts upon otters as a result of the Works. Otters are identified as being potentially in the vicinity of the Works, however their presence has not been confirmed by survey. The Report states that if otters are present during the construction works, they could be disturbed via noise or visual disturbance. It is noted that the area is already fairly noisy and active and otters in the area may be used to such types of disturbance. Moreover, any otter that is displaced due to being disturbed should have access to sufficient alternative habitat nearby. Given that the Works are a temporary disturbance, the impact upon individual otters is therefore assessed at non-significant levels. However, should an otter couch, layup, holt or natal holt be discovered in the vicinity of the works, then the level of disturbance caused will be at a significant level.

2.42 In terms of operational impacts upon otters, there is a risk of noise and visual disturbance from the operation of the Works, however this has been assessed as a non-significant impact due to the ample alternative habitat available and the likely degree of habituation. Accidental physical damage due to collision

on the roads and habitat fragmentation were also considered, but neither are considered to have significant impacts upon otters.

2.43 In order to mitigate against any potential for significant impact on otters within the area of the works, pre-commencement surveys will be carried out to identify any otters in the area and check for holts, couches or layups. Once these surveys have been completed, a Species Protection Plan will be developed be developed as a requirement of the planning permission and will set out the mitigation needed. These mitigation measures should reduce the risk of disturbance to a couch, layup or holt and therefore if they are implemented, will ensure no significant impacts upon otters as a result of the Works.

Underwater Noise

In order to assess the impacts of underwater noise on various receptors, the EIA Report took the noise modelling undertaken for a previous configuration of the proposal and reviewed it against the current proposed set of Works. While changes were noted due to the differences in positioning and depth of certain activities, there were no significant changes identified from the modelling previously carried out. This modelling was used to inform the assessments undertaken above in relation to impacts on fish ecology and marine mammals.

In-Air Noise

2.44 To assess the impact of the effects of any airborne noise generated by the Works, the Applicant undertook a Noise Impact Assessment based on a Noise Assessment Report ("NAR") undertaken for a previous configuration of the Works, with further assessment undertaken where aspects of the Works have changed to account for any changes.

2.45 As per the NAR, Noise Sensitive Receptors ("NSR") for construction of and operations at the deep water port were identified as the coastal areas of Stornoway, namely South Beach, Newton Street, Seaview Terrace and Builnacraig Street, all located near the town centre of Stornoway. For noise associated with increased road traffic receptors, the NAR identified NSRs as a house by Macaulay Farm, a House by Marybank and 4 sections of roads and streets by the A857. Of these NSRs, the receptor at Builnacraig Street was noted as particularly sensitive.

2.46 Of the construction activities, piling, land reclamation, construction of the dolphins and dredging were all identified as having the highest potential to generate in-air noise. Of these, it was assessed, using 3d sound modelling techniques and consideration of various activities taking place simultaneously, that there would be no change or neutral impact from the construction activities on all the receptors with the exception of the receptor at Builnacraig Street. It was found that the noise generated by most of the activities would have a non-significant effect on this receptor, however should backhoe dredging take place at night, it would have a significant adverse impact on this receptor.

2.47 Cargo ship loading and unloading, decommissioning activities and road traffic noise were identified as having the highest impacts in terms of operational in-air noise generated. Assessment of the effects of these impacts concluded that they were non-significant without the need for further mitigation on all receptors at all times based on the modelling presented in the NAR.

2.48 In order to mitigate against the noise generated by the construction activities to ensure that noise is kept to a minimum, best practice will be implemented in regards to the maintenance and operation of any machinery. A protocol is also to be included in the CEMD, to be produced before the works take place, for handling noise-related complaints. Specific mitigation for dredging activities is also proposed comprising of a requirement to only dredge the northern area of the dredge site during the day where possible, to give warning to the residents of Builnacraig street if dredging at night. In addition, monitoring of noise levels during all dredging activities will be carried out. The assessment concludes that these mitigation measures are sufficient to reduce the effects of the impact of noise generated by the construction to non-significant levels.

Cultural Heritage and Archaeology

2.49 In order to assess the impact of the Works upon any cultural heritage or archaeological receptors, the Applicant commissioned a cultural heritage assessment consisting of a desk-based study to identify assets in the area surrounding the Works using historical information and theoretical modelling, then an assessment of the importance of these assets. This information, combined with data obtained through site visits, wireframes and photomontages was used to identify potential impacts upon them from the works, and then assess the effects of these impacts. Additional information provided by the Applicant also showed that a multibeam survey had been undertaken of the seabed in the area of the Works alongside sub-bottom profiling to identify any significant near-surface structures, side-sonar scanning of the site to identify any objects of apparent archaeological potential and a magnetometer survey to highlight the presence of wrecks or other metallic objects on the seabed.

2.50 A range of medium and high importance heritage assets were identified as being located within the study area including the Arnish Point gun emplacements, Loch Arnish Dun and the Cnoc na Croich cairn scheduled monuments. 32 Listed Buildings, the Stornoway Conservation Area, and the Lews Castle Inventory Garden and Designed Landscape were also identified within the assessment area. Within the marine environment, a total of 14 shipwrecks were identified, 9 of which were considered low in importance and did not hold any significant value. Although 5 shipwrecks were identified as medium importance, only one shipwreck, the SS Alabama, was identified within the dredge area of the Works.

2.51 The effects of the impacts upon all assets identified, with the exception of the SS Alabama, were assessed as being either non-significant or negligible due

to the low value of the assets at present, or due to the works not impacting the appreciation or understanding of the character and cultural significance of the assets.

2.52 In regards to the effects of the impact upon the SS Alabama, these were assessed as being significant due to the partial dismantling of the wreck in the course of the Works. While these impacts are unavoidable and cannot be mitigated against given the design of the Works, the Applicant has proposed, in line with the recommendations by Historic Environment Scotland ("HES"), to conduct a survey of the wreck before and after the dismantling works. These surveys are to ensure that the wrecks' cultural significance is preserved after the dismantling has occurred and is made known to the public. Methodology for carrying out these surveys has now been provided by the Applicant in the form of additional information. The Applicant has also provided a Written Scheme of Investigation ("WSI") which implements a Protocol for Archaeological Discovery during the works which aims to set out a baseline for the known and potential archaeological assets within the Stornoway deep water port site, and the mitigation strategies proposed to address the impacts identified. The mitigation measures set out in the WSI include a 10 meter exclusion zone around the Andalina wreck, surveys with recording and analysis of the results of both the SS Alabama and Portugal wrecks, a review of existing geoarchaeological and geotechnical data prior to the Work commencing and adherence to the Protocol for Environmental Discoveries ("PAD") contained in the EIA Report.

Traffic and Transport

2.53 SYSTRA was commissioned to conduct a Traffic and Transport Assessment based on the assumption that increases in traffic would be experienced along five main road routes: A859 South of the Access Road, A859 Willowglen Road, A857 Macauley Road (South), Matheson Road and A857 (North).

2.54 The assessment noted that in relation to impacts on traffic arising from the construction aspects of the Works, most of the imported materials are to be brought in by sea. Given this, the worst case scenario for the number of additional heavy good vehicles ("HGV") needed to bring in imported goods on shore per day is 100 going both in and out of the site. Of the roads identified as likely to suffer increased traffic, Matheson Road was anticipated to have the highest increase of HGVs, experiencing a projected 39% increase in HGV movements. However, these increases in HGV movements were assessed as non-significant due to the road having robust enough infrastructure to accommodate such an increase, not being likely to cause significant delays to drivers or pedestrians, and not being likely to increase the number of accidents or amount of dust. The increase in HGV movements on each of the other roads is not expected to exceed 30% of their baseline movements, and therefore, in line with the Institute for Environmental Management and Assessment ("IEMA") guidelines, did not require further assessment.

2.55 For the operational aspects of the Works, the impacts were assessed against a worst case scenario of 60 two-way HGV movements and 96 two-way coach

trips per day. Of the roads identified above, Matheson Road is expected to experience a 100% increase in HGV movements, the A859 Willowglen Road is expected to experience a 63% increase and Macauley Road, a 33% increase. The other two roads identified are anticipated to experience less than a 30% increase and therefore did not require further assessment under the IEMA guidelines. The impact of this increased traffic on both Willowglen and Macauley Roads was assessed as being non-significant due to the infrastructure of the roads being sufficient to accommodate this increase in traffic, the risk of accidents not significantly increasing nor significantly higher levels of dust or dirt being produced. However, the effects of traffic due to the increase in HGV movements along Matheson Road during the operation of the Works are considered to be significant due to the anticipated delays caused to pedestrians and other drivers along that road particularly in light of the road passing in front of a school. It was noted that despite this significant impact, no significant changes to the levels of accidents or dust or dirt were expected along Matheson road as a result of these increased vehicle movements.

2.56 It was noted that while construction was not expected to result in additional HGV movements along Arnish Road, there is a need to ensure the surface of the road is maintained in order to ensure that emergency service vehicles can still travel along it. It is therefore proposed that a survey of the road surface is conducted prior to the commencement of the Works to capture the current state of the road and that measures are put in place to ensure that the surface of the road does not deteriorate beyond the current state.

2.57 While no significant impacts are anticipated due to the construction aspects of the Works, the Applicant has proposed that a Construction Traffic Management Plan is implemented as part of the CEMD prior to the Works commencing which should include routing for traffic, provision for the access of emergency vehicles, measures for minimising impacts during peak times and provisions regarding the implementation of wheel washing facilities. The Applicant, in relation to the operational impacts, has proposed re-routing traffic from Matheson Road during peak school hours by rescheduling the routes of any shuttle buses going to and from the Works. It is proposed that any rescheduling should be undertaken in consultation with the local authority. It is considered that should these mitigation measures be implemented, then the impact of the Works for the both the construction and operational aspects will be non-significant.

Other Issues

2.58 There are a number of receptors considered within the EIA Report that were scoped out during the pre-application phases of the EIA process as no significant impact upon these receptors was identified as a result of the Works. The issues considered relate to the following receptors:

- Socioeconomics
- Navigation
- Air Quality

- Population and Human Health
- Materials and Waste

2.59 The discussion of these receptors within the EIA Report seeks not to provide a full assessment of the impacts upon them in terms of significance, but to note where mitigation can be employed to minimise negative environmental effects and to set out and maximise any benefits to these receptors as a result of the Works.

Socioeconomics

2.60 In regards to socioeconomics, the EIA Report states that the benefits of the port are multifaceted in that it will service commercial freight, tourism associated with cruise sector and the energy sector. Servicing these industries is expected to bring in a boost to the local economy of the town and wider island in an attempt to bring them in line with other island economies who already service these industries. The development is also expected to create an estimated 66 full-time equivalent jobs during the construction of the Works and 357 full-time equivalent direct and induced jobs per year over the first 10 years of operation of the port in line with base case assumptions, with over 756 jobs per year being created under optimistic assumptions. The increase in available jobs is also expected to encourage working age people to stay and make lives for themselves on the island. This is to have a positive impact on the declining population and aging population trends that have been noted on the island and in the town.

Air Quality

2.61 The construction aspects of the Works are expected to generate dust however the impacts are expected to be extremely localised and, with no sensitive receptors identified nearby, the effects of the dust generated are not considered to be significant. However, a build-up of dust over a long period of dry weather creates the potential for the dust to be tracked out by vehicles and the effects on workers in the immediate vicinity of the works from dust need to be considered. As such, a Dust Mitigation Plan will be developed and included in the CEMD to address these issues.

2.62 The only effects identified on air quality from the operational aspects of the Works arise from the increase in nitrogen oxides and particulate matter from the increased vessel and vehicle presence. There are no existing air quality issues in Stornoway and there are not expected to be any significant impacts on air quality arising from the pollution generated from increased vehicles and vessels, detailed in paragraph 2.55, and no need for further mitigation in respect of them was identified beyond that outlined in paragraph 2.57.

Navigation

2.63 The Applicant is already responsible for navigational safety within the Stornoway harbour limits and therefore, the area of the Works. All vessels associated with construction will therefore need to be in compliance with the

existing Port Safety Management system and take the existing shipping routes in and out of the harbour. A Notice to Mariners and other regular notifications will be issued by the Applicant during the course of construction to ensure that other vessel traffic using the harbour is informed of the construction activities.

2.64 In terms of the operation of the Works, the new facilities will also be operated in line with the Port Safety Management system, the Northern Lighthouse Board will be consulted regarding any lighting or marking requirements and 'as built' information will be supplied to the UK Hydrographic Office upon completion of the Works to allow admiralty charts for the harbour to be updated. The need to co-ordinate the operation of the Works with the vessel traffic coming from the Newton Marina development, which will be in operation by the time construction of the Works is complete, is noted by the Applicant and it is assumed that if both sites operate in line with the Applicant's Port Safety Management system, then there should be no significant impacts on navigation.

Population and Human Health

2.65 The impacts of dust and noise upon human health during the construction of the Works have already been considered in paragraphs 2.62 and 2.48, and the mitigation proposed in those paragraphs will ensure no significant effects from these impacts. As a whole, the population's health is expected to improve as a result of the Works due to the increase in jobs and therefore people of working age moving to the island as outlined in paragraph 2.60.

2.66 As highlighted by the recent COVID-19 pandemic, it is identified that the Works may carry with them an increased risk of communicable diseases being brought to the island from external sources throughout both the construction and operation phases. The Applicant has therefore proposed that any contractor employed will need to put in place appropriate mitigation measures to minimise the spread of any communicable diseases during construction and the Applicant will then implement measures of their own during the operational phase of the Works using any statutory power available to them if required.

Materials and Waste

2.67 With regards to materials and waste, the Applicant commits to the employment of a waste hierarchy throughout the construction works which will aim where possible to avoid or minimise waste production, to re-use materials, to segregate waste which cannot be reused for recycling, and to implement the correct methods of disposal should none of the aforementioned options be feasible. The re-use of material won from levelling the land and dredging is in line with the waste hierarchy. If material arising from dredging is not suitable for reuse, it will be deposited at the Stornoway Deposit Site as this was identified as the best practicable environmental option. Appropriate arrangements will be put in place for managing concrete washings and ensuring that litter is minimised.

3. Consultation

3.1 In accordance with the 2017 MW Regulations advertisement of the Application, EIA Report and additional information was made in the local and national press and on the application website. Notices were placed in the public domain and the opportunity given for those wishing to make representations to do so.

3.2 The dates for the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken post consent.

Document	Date received	Consultation Period	Publication
EIA Report & Appendices Marine licence application & supporting documentation	08 December 2020	24 December 2020 – 28 January 2020	Marine Scotland Information website (16 December 2020) Stornoway Port Authority website (22 December 2020) Edinburgh Gazette (22 December 2020) Stornoway Gazette (24 December 2020)
Additional Information	09 June 2021	11 June 2021 – 12 July 2021	Marine Scotland Information website (11 June 2021) Stornoway Port Authority website (10 June 2021) Edinburgh Gazette (11 June 2021) Stornoway Gazette (10 June 2021)

3.3 A summary of the responses is set out at sections 4, 5 and 6. The responses are available to view in full here.

4. Summary of statutory consultee responses

4.1 Scottish Environment Protection Agency ("SEPA"), due to reasons out with its control was unable to provide a response to the initial consultation, however the SEPA Standing Advice for the Department for Business, Energy and

Industrial Strategy and Marine Scotland on Marine Consultations has been considered during determination. The standing advice relevant to this project does not raise any significant environmental concerns providing best practice measures are followed.

4.2 SEPA was able to provide a response to the additional information consultation and did so on 15 June 2021 stating that they had no site-specific comments to make in regards to it.

4.3 NatureScot, operating name of Scottish Natural Heritage, responded to the initial consultation on the 03 February 2021 and then provided further responses on the 12 May 2021 and 17 June 2021. The response dated 03 February 2021 stated that the Works are likely to have a significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC. NatureScot advised that this is due to the predicated impacts of underwater noise and the deposit of dredge material during the Works, both of which are capable of disturbing or causing injury to the harbour porpoise qualifying interest. However, NatureScot went on to state that as long as the Works are carried out in line with the mitigation measures set out EIA Report's Schedule of Mitigation then the Works will not adversely affect the integrity of the site.

4.4 NatureScot also noted effects on the North-east Lewis NC MPA from the Works. Clarification on the original advice received on the 12 May 2021 stated that the Works are capable of affecting protected features of the NC MPA, other than insignificantly due to the same factors as stated in paragraph 4.3. above. NatureScot therefore again recommends that the mitigation measures in the Schedule of Mitigation are secured in relation to these impacts to ensure that the proposal will not result in a significant risk of hindering the conservation objectives of the NC MPA. NatureScot also confirmed that the Sea of the Hebrides NC MPA was sufficiently distant from the Works that the protected features would not be affected whilst within the NC MPA boundary.

4.5 In relation to the mitigation measures to be secured, NatureScot provided recommendations for the Spoil Disposal and Piling Marine Mammal Protocols to be implemented as part of the CEMD. The recommendations cover the following; a reduction of the mitigation zone for the piling protocol to 100 m for seals, the publishing of the locations and experience of the MMOs in the protocols, the requirement for further details on the deployment of PAM systems, and the requirement for the details of the communication protocols between MMO/PAM operators and the piling contractors to ensure if marine mammals are seen in the area, piling does not commence until there has been a 20 minute clear period.

4.6 NatureScot further recommended that a European Protected Species licence for cetaceans will likely be required during the construction phase due to the potential for disturbance from the Works, however it advised that based on the information in the EIA Report and the mitigation proposed, that the activity will not result in a negative impact on the Favourable Conservation Status of any affected species. NatureScot also note that they are content with the

approach taken towards otters in the EIA Report and that they would be able to advise further should the pre-construction survey detect their presence around the site of the Works. NatureScot also noted that the measures in the Marine Mammal Protection protocols, to be contained in the CEMD, would be sufficient to minimise risk of injury or significant disturbance in relation to basking sharks and seals.

4.7 Finally, in regards to benthic ecology, NatureScot advised that while the dredging activities would result in the loss of 0.5 hectares of kelp and seaweed communities on sublittoral sediment, which is a PMF, the features would likely recover rapidly and therefore any impact would be largely temporary and would not have a significant impact on the national status of the PMF.

4.8 NatureScot provided a response to the additional information consultation on 29 June 2021 stating that they had no additional comments to make in regards to it beyond their response to the initial consultation, and the subsequent clarifications.

4.9 Comhairle nan Eilean Siar ("CnES") provided a response to the initial consultation on 09 February 2021 stating that from an economic perspective, they were, in principle, in favour of the proposal. However they had some remaining concerns surrounding noise and dust, cultural heritage and archaeology, transport infrastructure and road layout, natural and built heritage, soils and coastal erosion and, countryside and coastal access.

4.10 In regards to noise and dust, CnES recommended that the Works be subject to standard planning conditions relating to both noise and dust control. For noise, CnES recommended hours for weekly working times, with reduced hours on a Saturday and no working on Sundays as well as the need to inform nearby residents should there be a deviation from this scheme, and the implementation of protocols for dealing with any noise complaints received. In regards to dust, CnES recommended that they should be consulted on any Dust Mitigation Plan produced. The Applicant provided a response to these comments on 30 April 2021 querying the suggested restrictions on operational hours as in their view they would not be practicable, particularly if they were to apply to the operational phase of the Works. In relation to the construction phase, the Applicant highlighted the results of the noise modelling undertaken in the EIA Report which showed that in their view, the restrictions were not necessary. The Applicant did confirm that it would follow up on any noise complaints received in line with existing regulatory systems such as the Control of Pollution Act 1974. The Applicant also confirmed it had no issue with the comments in relation to the Dust Mitigation Plan. CnES responded to the Applicant's comments on 28 May 2021 stating that as long as operations outside of the working hours described in the EIA Report are pre-notified to the council's Environmental Health Team and the Works are carried out in line with the mitigation proposed in the EIA Report, the council was content with the measures taken in relation to noise and dust impacts.

4.11 CnES advised that further archaeological surveys consisting of side sonar scanning of the entire Works area and the SS Alabama wreck and a program

of paleo-environmental sampling in the dredge area should be undertaken prior to the Works commencing and the results of these surveys assessed to determine if further mitigation is required. CnES also recommended that a Protocol for Archaeological Discovery and an agreed WSI be implemented throughout the Works based on the results of the additional surveys.

4.12 For traffic and transport concerns, CnES noted that the construction aspects of the Works, while marine based, could have implications on the terrestrial road network. Advice was therefore provided recommending that parking for the Works should be based on the standards set out in the Outer Hebrides Local Development Plan and that the access road into the site should be located so as to have a minimum visibility splay of 5 x 90 m. CnES also recommended that the Traffic and Transport assessment is updated to reflect any changes to the Works and that measures should be taken to lessen the impact on the existing road network by the timing of operations or in some cases re-routing. CnES also advised that given the potential for the increase in workforce arising from the project, the access road to the south may need to be upgraded. CnES therefore recommended that all the suggested mitigation measures, as well as those in the EIA report, should be submitted in a construction management plan, and be submitted for approval to the council, prior to the Work commencing. The Applicant responded to these comments on 30 April 2021 confirming that these measures would be included in a Construction Traffic Management Plan to be developed prior to the commencement of the Works. The Scottish ministers shall ensure that CnES are consulted on this plan.

4.13 CnES advised that mitigation measures should be employed in regards to natural heritage interests to ensure that as minimal vegetation as possible is removed from the cut peat slopes so as to preserve the harbour's coastal character, and that the areas which are removed, are landscaped. This will form part of the Peat Management Plan developed by the Applicant. CnES stated that they are happy with the Applicant's commitment to good housekeeping during construction to mitigate against landscape and visual effects. CnES also noted and accepted that there is likely to be a significant landscape and visual effect arising from the operation of the port and supported the mitigation proposed to build infrastructure and storage away from the water's edge to minimise these impacts as far as possible.

4.14 CnES note that any extraction and placement of peat is covered by a Harbour Revision Order, but do note that the planning permission in principle does require the creation of a Peat Management Plan, which is currently in development by the applicant with assistance from CnES.

4.15 CnES state that they would wish to encourage further consideration by the Applicant to extend the core path network within the Lews Castle Grounds to connect with the Deep Water Port in order to offer cruise passengers and local residents the option to cycle or walk to and from Stornoway from the proposed cruise terminal.

4.16 CnES provided a response to the consultation on the additional information on 29 June 2021. The additional information sought to address the comments made above in relation to the archaeological concerns. In its response, CnES stated that they were content with the strategy and methodology set out in the proposed WSI and had no further comments to make.

4.17 HES responded to the initial consultation on the 26 February 2021 stating that it does not object to proposal in principle, however in its view, there was insufficient information in the EIA Report to be able to reach a view on the significance of the impacts upon cultural marine heritage. HES noted that while the EIA Report offers a thorough desk-based assessment of known cultural heritage assets within the area of the Works, no further surveys or investigative works have been undertaken to confirm the records of known sites or search for unknown assets with the area of the Works, with the exception of the survey work undertaken of the SS Alabama. This means that while HES are content that the assessment of the impacts upon the SS Alabama is correct, for all other cultural heritage assets, known and unknown, up-to-date information is required before they would be able to say whether the conclusions reached in the EIA Report are appropriate. HES recommended that these issues may be addressed by assessing existing surveys which may uncover evidence that would help clarify issues surrounding the condition of existing wrecks or the location of lost wrecks in the area. HES also recommended that further survey and recording works will help to address any gaps identified after further assessment of the existing data concludes. HES also identified that a PAD would be required to be implemented during the Works, however there was insufficient evidence at present to advise on the suitability of any potential PAD.

4.18 In regards to the proposal to cut parts of the SS Alabama off and store them within its hull, HES stated that the approach described in the EIA Report is, in their opinion, an acceptable and proportionate method of mitigation. However, HES state that the proposal to record of the state of the wreck during the works is not appropriate and recording should be undertaken prior to works beginning, as well as upon completion and that this should be implemented in a WSI, the submission of which should be conditioned into any marine licences issued.

4.19 HES responded to the consultation on the additional information on 23 July 2021 confirming that they were content with the information provided by the applicant and that the WSI produced set out a proportionate archaeological response. As such, HES concluded that they had no further comments to make on the Works and were content that they Works will not raise any issues of national interest.

5. Summary of non-statutory consultee responses

5.1 Maritime and Coastguard Agency ("MCA") responded to the initial consultation on the 1 March 2021, stating that it has no objection to the Works being consented provided all maritime safety legislation is followed and standard conditions are included in the marine licences. MCA also stated that they

would encourage the Applicant to follow the Port Marine Safety Code and its Guide to Good Practice once the port is operational. MCA also noted that the site falls within the jurisdiction of Stornoway Port Authority who are the Statutory Harbour Authority, and therefore responsible for maintaining the safety of navigation before, during and after these proposed works. MCA stated that it would expect the impacts of the works on the safety of navigation to be considered and addressed by the Applicant, in consultation with the Harbour Master and other relevant navigation stakeholders.

5.2 Scottish Fisherman's Federation responded to the initial consultation on the 7 January 2021 stating that it did not have any comments or objections to the Works.

5.3 Royal Society for the Protection of Birds ("RSPB") provided a response to the initial consultation on 21 January 2021 providing comments on biosecurity in relation to non-native flora and non-native fauna, as well as on peat displacement. In relation to the biosecurity concerns for invasive non-native flora, RSPB noted that the area around the proposed development has been colonised by several invasive non-native plant species including rhododendron (*Rhododendron ponticum*), giant rhubarb (*Gunnera tinctoria*) and salmon berry (*Rubus spectabilis*), mainly around the Stornoway castle grounds, but that these species may be present along with Japanese knotweed (*Fallopian japonica*) at the site of the Works. RSPB stated that they are concerned about the spread of these species from the Works leading to further population of these species within the surrounding area or being transported out of the port via vehicle tyres or in cargo. RSPB therefore advised that a survey is undertaken for non-native invasive species and an appropriate biosecurity plan put in place prior to the commencement of the works to minimise the risk that these species will be spread through the disruption of soil during construction or through transportation during operation. The applicant responded to these comments on 29 March 2021 stating that, as per the EIA Report, pre-construction surveys of the site will be undertaken prior to the Works commencing. Furthermore, appropriate mitigation for non-native invasive species will be put in place within the Applicant's CEMD in accordance with the Risk Assessment Method Statement formulated upon completion of these surveys. The RSPB confirmed on 02 June 2021 that it was content with the Applicant's proposal.

5.4 In regards to non-native fauna, RSPB advised that many of the internationally important bird species found in the area are susceptible to predation from non-native mammals. RSPB advised that increased boat traffic as a result of the Works will increase the risk of non-native mammals reaching the Outer Hebrides unless appropriate biosecurity measures are put in place during construction and operation. RSPB also highlighted the risk of transporting any rodent invasive species already present in the area through vessels out of the port to other offshore islands. RSPB therefore again recommended that a biosecurity plan should be produced prior to construction commencing covering; comprehensive rodent control and detection measures around the port and any areas where cargo is stored, measures to make sure any plant or building materials coming to Stornoway are certified pest free at point of

leaving the mainland with protocols for what to do if pests are found, and designated quarantine facilities and measures in Stornoway for dealing with high risk cargo with protocols for dealing with any invasive species which are found. In its response dated 29 March 2021, the Applicant stated that the Port has existing measures in place to deal with invasive non-native fauna and that these will be updated to extend to the Works. The RSPB confirmed on 02 June 2021 these measures addressed their concerns and that they had no further comments in relation to this issue.

5.5 RSPB also noted that while a Peat Management Plan is being drafted in consultation with the local authority as part of the planning permission, they have reservations about the long-term success of peat reuse and recommended that peatland restoration adjacent to the development area is considered as potential mitigation for peat loss from the proposed development. In its response dated 29 March 2021, the Applicant confirmed that their intent was to reuse the peat locally for the restoration of the area and that the Peat Management Plan would include monitoring arrangements in the years post placement of the peat to ensure that it would not dry out. The RSPB confirmed on 02 June 2021 these measures addressed their concerns and that they had no further comments in relation to this issue.

5.6 Crown Estate Scotland provided a response to the initial consultation on 05 February 2021 stating that it was aware of the proposal but that the Applicant had not yet approached them to seek an occupation agreement for the use of the seabed, and that they would need to do so prior to the Works commencing. The comments made by Crown Estate Scotland have been provided to the Applicant to ensure that they have the appropriate permits in place prior to the commencement of the Works.

5.7 Defence Infrastructure Organisation ("DIO") provided a response to the initial consultation on 11 January 2021 confirming that they had no objection to the Works. DIO provided a response to the additional information consultation on 30 June 2021 stating that they had no comments to make in regards to it.

5.8 Northern Lighthouse Board ("NLB") provided a response to the initial consultation on 18 February 2021 stating that it has no objections to the Works and recommended the Applicant contact the NLB prior to the Works commencing to obtain the statutory sanction for any Aid to Navigation requirements the Works will require. In addition, a joint evaluation of the required navigation, lighting and marking of the Works should be undertaken to inform a navigational risk assessment that should be agreed before the Works commence. NLB also advised that notices to mariners should be issued upon the commencement and completion of the works and that the UK Hydrographic Office should be provided with plans of the construction and dredge depths upon completion of the works so that charts and publications can be updated.

5.9 NLB provided a response to the additional information consultation on 16 June 2021 stating that their original advice remained unchanged.

5.10 Royal Yachting Association ("RYA") provided a response to the initial consultation on 15 January 2021 confirming that it had no objection to the Works but noting there will be an occasional loss of anchorage in the harbour.

5.11 RYA provided a response to the additional information consultation on 15 June 2021 confirming that it had no comments to make in regards to it.

5.12 Scottish Water provided a response to the initial consultation on 15 January 2021 stating that it had no objection to the Works but that the Applicant should get in contact with them to identify where any potential conflicts exist with Scottish Water assets and apply for a diversion from them where they are identified. Scottish Water confirmed that there are no drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the Works. Scottish Water also stated that it will not accept any surface water connections into its combined sewer system, except under very limited circumstances and the Applicant should get in contact with them where there is a risk of this occurring.

5.13 Scottish Water provided a response to the additional information consultation on 15 June 2021 providing the same response as to the initial consultation.

5.14 UK Chamber of Shipping provided a response to the initial consultation on 05 January 2021 confirming that it supports the proposals and has no objection to the Works.

5.15 Whale and Dolphin Conservation responded to the initial consultation on 04 January 2021 to advise that it would not be able to respond to the consultation.

6. Representations from other organisations and members of the public

6.1 No representations were received from other organisations or members of the public.

7. Advice from 3rd Parties

7.1 Transport Scotland responded to the initial consultation on 28 January 2021 commenting that the EIA Report does not mention the use of trunk roads in relation to the transportation of construction materials. It noted that materials will be locally sourced and requested that should any utilisation of the trunk road network be required to facilitate delivery of construction materials, associated HGV movements and traffic management details should be provided for approval by Transport Scotland prior to being implemented. Should this occur, Transport Scotland has no objections to the application, and no other comments on the construction or dredging if this does not occur. The Applicant responded to Transport Scotland's comments on 30 April 2021, stating that there are no trunk roads on the island itself and that any materials that need to be brought to the site of the Works are unlikely to utilise trunk roads on the mainland. The Applicant went on to state that any material deliveries or personnel utilising these trunk roads would need to utilise the

existing ferry service and therefore any traffic would be limited to what the ferry could normally accommodate. As such, no increase in usage of trunk roads by HGVs or otherwise are anticipated as a result of the Works.

7.2 Transport Scotland provided a response to the consultation on the additional information on 25 June 2021 stating that they had no comments to make in regards to it.

7.3 Marine Scotland Science ("MSS") provided initial advice on 08 June 2021 providing advice on benthic ecology and physical environment and coastal processes. In regards to benthic ecology, MSS stated that they were content with the assessment of the impacts upon benthic ecology in the Applicant's EIA Report and agreed with the conclusions in the advice provided by NatureScot in relation to the impacts upon the seaweed communities on sublittoral sediment PMF.

7.4 In regards to the advice on physical environment and coastal processes, MSS stated that the modelling study undertaken by the Applicant shows only small wave height increases, localised tidal effects, and limited disturbance by sediments (due to the majority being sand). It also determines the effects of 1/200 year flood events and this has been taken into account in the design process. Further, tide level differences in surface elevation are generally small and the overall waterbody status under the Water Framework Directive remains Good. MSS stated it agreed with the overall assessment and conclusions of the Report, including mitigation measures, in regards to the water environment and has nothing further to add to it.

7.5 MSS provided further advice on 30 June 2021 relating to marine mammals. It advised that it would consider that that an EPS licence may be required due to the risk of disturbance to cetaceans, however the risk of injury is sufficiently low to screen out the need to consider an EPS licence for injury. MSS also advised that they agreed with NatureScot's conclusions regarding the potential for noise from piling associated with the Works to affect the North-east Lewis NC MPA.

8. The Scottish Ministers' Considerations and Main Determinative Issues

8.1 The Scottish Ministers, having taken account of all relevant information, consider that the main determining issues are:

- The extent to which the Works accord with and are supported by Scottish Government policy and the terms of Scotland's National Marine Plan ("NMP"); and

- the significant effects of the Works on the environment, which are in summary:

    - Cultural Marine Heritage and Archaeology
    - Marine Nature Conservation Areas and Marine Mammals
    - Benthic Ecology

- Landscape and Visual

Policy Context

8.2 As the Works are proposed to take place within the Scottish marine area they are subject to the 2010 Act. The NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Minister's policies for the sustainable development of Scotland's seas and provides General Planning Principles ("GEN"), most of which apply to the Works. In addition, the NMP lays out sector specific objectives and policies for shipping, ports, harbours and ferries and specifically to safeguard the ferry routes and maritime transport to island and remote mainland areas which provide essential connections. The relevant policies were considered as part of the EIA process with the Works being deemed to meet the requirements of the NMP and to be contributing towards achieving relevant sector specific policies and objectives.

Environmental Matters

8.3 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

8.4 The Scottish Ministers have considered fully and carefully the applications, supporting documentation and all relevant responses from consultees.

Cultural Marine Heritage and Archaeology

8.5 The Scottish Ministers are satisfied that there will be no significant effects on cultural marine heritage and archaeology as a result of the proposed Works. The initial advice provided by HES and CnES indicated that there was a lack of data on existing assets within the vicinity of the Works and a lack of evidence available to show that there were no archaeological assets within the harbour basin beyond the well-known. The Applicant has since provided additional information which included bathymetric and geophysical survey data to provide data on features within the area as well as outlining the methodology on further surveys to be undertaken on archaeological assets including the SS Alabama most directly affected by the Works. The Applicant also provided a WSI which, alongside the existing PAD within the EIA Report, provides a mechanism for discovering, reporting and dealing with any archaeological assets found prior to or during the Works.

8.6 Both HES and CnES have stated that the additional information provided by the Applicant is sufficient to address the comments and concerns they had in relation to the original EIA Report and its handling of the archaeological matters and as such the Scottish Ministers are content that provided the mitigation measures contained in the EIA Report and within the WSI are

conditioned into the marine licences alongside evidence that HES are content with the pre-commencement surveys of the SS Alabama, the impacts upon cultural marine heritage and archaeology will be appropriately mitigated.

Marine Nature Conservation Areas and Marine Mammals

8.7 The Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Habitats Regulations") require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the 1994 Habitats Regulations.

8.8 In line with the view of NatureScot that the Works are likely to have a significant effect on the harbour porpoise qualifying interest of the Inner Hebrides and the Minches SAC, the Scottish Ministers, as the "competent authority", was required to carry out an Appropriate Assessment ("AA"). Having had regard to the representations made by NatureScot it can be ascertained that the Works will not adversely affect the integrity of the SAC providing the conditions in the AA and the marine licences are adhered to. Having had regard to the reasons for which the site was designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not, on their own or in combination with other projects, adversely affect the integrity of the Inner Hebrides and the Minches SAC.

8.9 Under Section 83 of the Marine (Scotland) Act 2010. The Scottish Ministers, as the 'public authority' under the 2010 Act, have to be satisfied that the Works are not capable of hindering the achievement of the conservation objectives of an NC MPA, before any consents can be granted.

8.10 In line with the view of NatureScot that the Works are capable of affecting, other than insignificantly, the qualifying interests of the North-east Lewis NC MPA, the Scottish Ministers were required to carry out an MPA Assessment. Having had regard to the representations made by NatureScot it can be ascertained that the Works will not result in a significant risk of hindering the achievement of the conservation objectives of the North-east Lewis NC MPA providing the conditions in the MPA assessment and the marine licences are adhered to. Having had regard to the reasons for which the site was designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not result in a significant risk of hindering the achievement of the conservation objectives of the North-east Lewis NC MPA.

8.11 A full explanation of the issues and justification for the decision is provided in the respective assessments (available here and here).

8.12 The Scottish Ministers are content that significant marine mammal impacts will be appropriately mitigated providing the Applicant adheres to the conditions set out in the AA, the MPA assessment and the marine licences.

Benthic Ecology

8.13 The Scottish Ministers are satisfied that there will be no significant environmental effects on benthic interests as a result of the Works. While the Works involve the removal of approximately 7000 m^2 of '*Laminaria saccharina* and red seaweeds on infralittoral sediments', designated as a PMF, the advice provided by NatureScot and MSS indicates that the feature will recover rapidly after the dredging works are completed and therefore there will be no significant effects on the national status of the feature.

Landscape and Visual

8.14 Impacts upon landscape and visual receptors have been assessed in the applicant's EIA Report as resulting in significant effects on receptors within 1.8 km of the site. Impacts upon landscape and visual receptors are considered to be unavoidable given the scale of the proposed works. However, the Scottish Ministers are satisfied that the design of the works and the mitigation proposed by the applicant in their EIA Report and summarised in paragraphs 2.7 and 2.8 above, have reduced the impact upon these receptors as far as practicable.

9. The Scottish Ministers' Determination and Reasoned Conclusion

9.1 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the applications have been followed.

9.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the economic benefits which would be realised. The Ministers have undertaken this exercise in the context of national and local policies.

9.3 The Scottish Ministers have considered the extent to which the Works accord with and are supported by Scottish Government policy, the terms of the NMP and local development plans and the environmental impacts of the Works. In particular the Scottish Ministers have considered the impacts on cultural marine heritage and archaeology, Marine Nature Conservation Areas and marine mammals, benthic ecology and landscape and visual.

9.4 The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation. In particular, the Scottish Ministers are satisfied that the Works will not adversely affect the integrity of the Inner Hebrides and the Minches SAC, nor result in a significant risk of hindering the achievement of the conservation objectives of the North-east Lewis NC MPA. The Scottish Ministers consider that the licensing tests in respect of an EPS disturbance application for cetaceans will likely be met and an EPS licence will likely be granted. An EPS licence may also need to be obtained from NatureScot for disturbance to otters however, the Scottish Ministers have no concerns that a licence wouldn't be granted based on the information available.

9.5 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the licences to reduce environmental impacts. These include development and adherence to the mitigation measures outlined the Schedule of Mitigation in the Applicant's EIA Report and the submission of an appropriate CEMD including amended marine mammal management protocols, a biosecurity plan, a dust mitigation plan and archaeological protocols including a PAD and WSI.

9.6 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion is still up to date.

9.7 The Scottish Ministers **grant marine licences subject to conditions** under Part 4 of the Marine (Scotland) Act 2010 for the construction, dredging and deposit of dredged substances or objects associated with the construction of the Deep Water Port at Glumaig Harbour, Stornoway. The marine licences are attached at Appendix 2.

9.8 In accordance with the 2017 MW Regulations, the Applicant must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality to which the applications relate. The Applicant must provide copies of the public notices to the Scottish Ministers.

9.9 Copies of this decision notice have been sent to the bodies consulted on the applications including the relevant planning authority, NatureScot, SEPA and HES. This decision notice has also been published on the Marine Scotland Information website.

9.10 The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

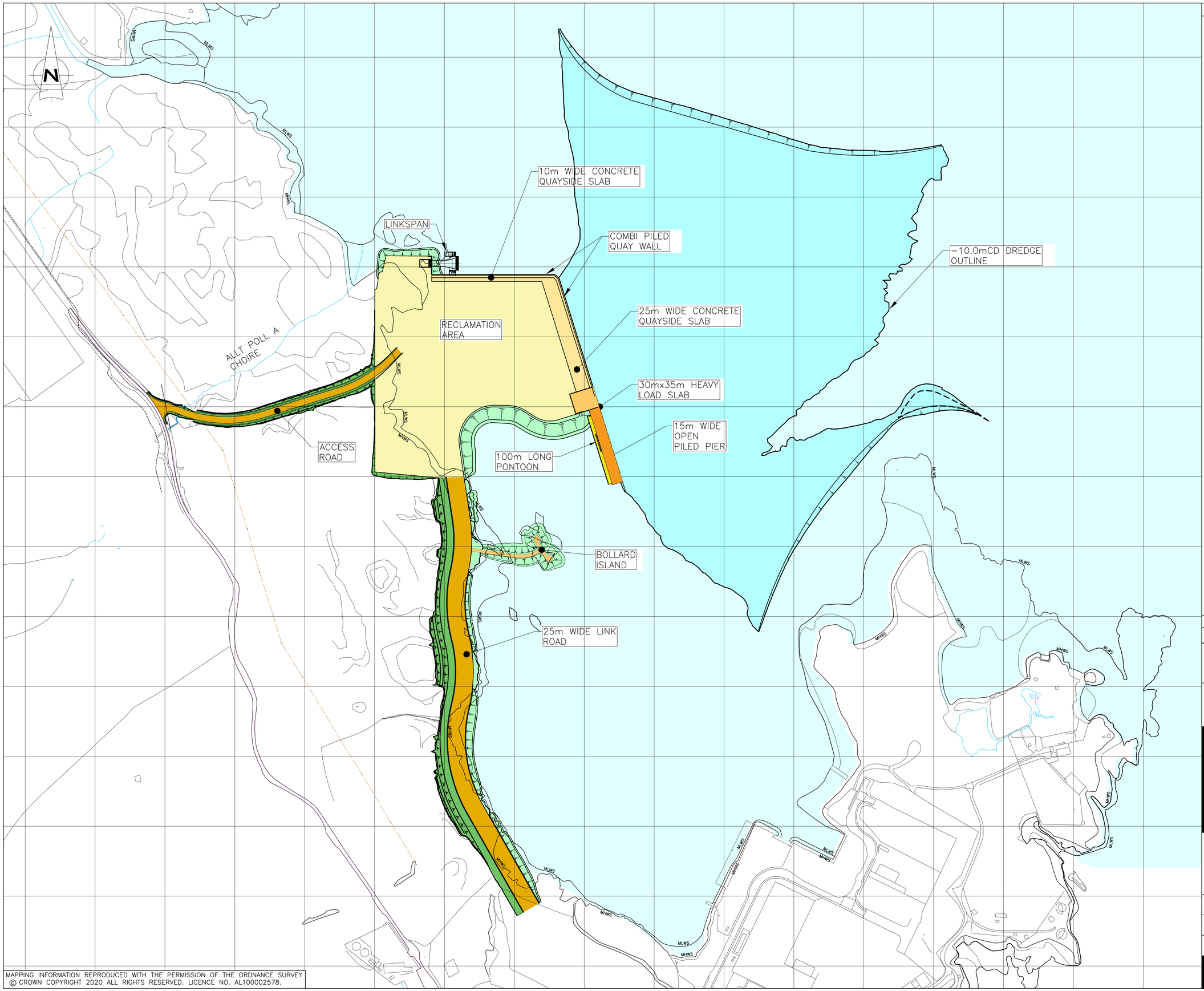
Anni Mäkelä

Marine Licensing Group Leader, Marine Scotland - Licensing Operations Team

A member of the staff of the Scottish Ministers

03 September 2021

Appendix 1. The location and boundary of the site in Glumaig Bay, Stornoway.



GENERAL NOTES

1. ALL LEVELS ARE IN METRES AND RELATE TO CHART DATUM, UNLESS NOTED OTHERWISE.
2. CHART DATUM IS 2.71m BELOW ORDNANCE DATUM.
3. TIDE LEVELS:−

HAT=	+5.5mCD	(+2.79mOD)
MHWS=	+4.8mCD	(+2.09mOD)
MLWS=	+0.7mCD	(−2.01mOD)
LAT=	0mCD	(−2.71mOD)

REV	DATE	DETAILS	DRAWN	CHK'D	APP'D

AMENDMENTS

CLIENT
STORNOWAY PORT AUTHORITY

PROJECT
STORNOWAY DEEP WATER PORT

Wallace Stone
Consulting Civil Engineers

GLASGOW
0141 554 8233
glasgow@wallacestone.co.uk

DINGWALL
01349 866775
dingwall@wallacestone.co.uk

HEBRIDES
01851 600220
hebrides@wallacestone.co.uk

DRAWING TITLE
SCHEME LAYOUT

DRAWN	CHECKED	APPROVED
JR	JP	JP
DATE: MAY 20	DATE: MAY 20	DATE: MAY 20

SCALE (A1)	STAGE	REV
1:2500	INFORMATION	P01

DRAWING No.
SDWP−WS2139−XX−00−DR−C−9022

Appendix 2. Marine licences

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING AND DEPOSIT ANY SUBSTANCE OR OBJECT IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00008748**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Stornoway Port Authority
Amity House
Esplanade Quay
Stornoway
HS1 2XS

to carry out any form of dredging and deposit any substance or object as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **01 October, 2021** until **30 September, 2024**

Signed: ……..
Anni Mäkelä

For and on behalf of the Licensing Authority

Date of issue: 03 September, 2021

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and
a) **"the 2010 Act"** means the Marine (Scotland) Act 2010;
b) **"Licensed Activity"** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
c) **"Licensee"** means Stornoway Port Authority
d) **"Mean high water springs"** means any area submerged at mean high water spring tide;
e) **"Commencement of the Licensed Activity"** means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
f) **"Completion of the Licensed Activity"** means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.
Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.
Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure (‘force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Affric Limited
Lochview Office
Loch Duntelchaig
Farr
IV2 6AW

2.2 Location of the Licensed Activity

Deep Water Port, Glumaig Bay, Stornoway, dredging within the area bound by joining the points:

58° 11.818’ N 006° 23.388’ W
58° 11.845’ N 006° 23.099’ W
58° 11.715’ N 006° 23.102’ W
58° 11.930’ N 006° 22.499’ W
58° 11.715’ N 006° 22.433’ W
58° 11.537’ N 006° 22.654’ W
58° 11.533’ N 006° 22.850’ W
58° 11.588’ N 006° 23.155’ W

Stornoway (HE035) Authorised Deposit Site, deposit within the area bound by joining the points:

58° 10.933’ N 006° 22.783’ W
58° 10.850’ N 006° 22.667’ W
58° 11.133’ N 006° 22.000’ W
58° 11.217’ N 006° 22.133’ W

As shown in Annex One.

2.3 Description of the Licensed Activity

Capital dredging of 900,000 wet tonnes of material and deposit of dredged substances or objects from the Stornoway harbour basin to facilitate the construction of the Stornoway Deep Water Port.

• Dredging of 900,000 wet tonnes material from the Stornoway harbour basin to increase the depth to -10m chart datum

• Deposit of up to 90,000 wet tonnes of dredge material at the Stornoway (HE035) designated sea deposit site

• Use of dredge material on site as construction infill or to reclaim land

As described in the application dated 30 June, 2020 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be dredged and substances or objects to be deposited

The licence authorises the dredging and deposit of the undernoted substances and objects required in connection with the licensed activity, subject to the maximum amounts as specified below:

Capital dredging of 900,000 wet tonnes of material comprised primarily of pebbles, cobbles and boulders with up to 90,000 wet tonnes deposited at the Stornoway (HE035) authorised deposit site.

2.5 Contractor and Vessel Details

As shown in Annex 2

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1. The Licensee must at all times carry out the Licensed Activity in accordance with the licence, the application and the plans and programmes approved by the Licensing Authority.

3.1.2. The Licensee must ensure that only the materials listed in Part 2 of the licence are used during the execution of the Licensed Activity and that all materials, substances or objects used during the execution of the Licensed Activity are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.3. Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence;

a) Any unauthorised materials associated with the substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, shall be disposed of on land at an approved location above the tidal level of Mean High Water Springs.

b) All tank/hopper washings shall be deposited in the authorised sea deposit area(s).

3.1.4. In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.5. The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.6. The Licensee must ensure that the Licensed Activity is carried out in accordance with the mitigation measures outlined in Chapter 17: Schedule of Mitigation of the Stornoway Deep Water Port - Environmental Impact Assessment Report, Volume 2 submitted to the Licensing Authority in December, 2020.

3.1.7. The Licensee must ensure that the Licensed Activities are carried out in accordance with the Stornoway Deep Water Port, Stornoway, Western Isles - Written Scheme of Investigation (Document Reference 247960.03).

3.1.8. The Licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the Licensing Authority.

3.2 Prior to the commencement of the Licensed Activity

3.2.1. The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable, but no later than 7 days, prior to the Licensed Activities commencing.

3.2.2. The Licensee must, prior to and no less than seven calendar days before the Commencement of the Licensed Activity, notify the Licensing Authority, in writing, of the date of Commencement of the Licensed Activity authorised under this licence.

3.2.3. The Licensee must ensure that HM Coastguard, in this case zone36@hmcg.gov.uk is made aware of the Licensed Activity prior to commencement.

3.2.4. The Licensee must submit full details of the vessels to be utilised to deposit substances or objects to the Licensing Authority no later than one month, or at such a time as agreed with the Licensing Authority, prior to the commencement of the Licensed Activity. The vessel details provided must include the vessel type, vessel's International Maritime Organisation Number and vessel owner or operating company.

3.2.5. The Licensee must ensure that the Licensed Activity is carried out in accordance with a Marine Mammal Management Plan ("MMMP") which the Licensee must submit, in writing, to the Licensing Authority for its written approval, no later than two months prior to the commencement of the Licensed Activity or at such a time as agreed with the Licensing Authority. It is not permissible for the Licensed Activity to proceed prior to the granting of such approval. In the event that the Licensee wishes to update or amend any of the protocols in the MMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any Licensed Activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include, but not be limited to, the mitigation measures outlined in the Piling Marine Mammal Protocol and the Spoil Disposal Marine Mammal Protocol found within paragraphs 7.6.1. and 7.6.2. of the Stornoway Deep Water Port – Environmental Impact Assessment Report Volume 2, December 2020 subject to the following alterations to both protocols:

a) inclusion of details of the on-site location and experience levels of the marine mammal observers employed;

b) inclusion of the details of the passive acoustic monitoring system to be utilised, including details of its location, when it is to be deployed and the experience of the levels of the operators;

c) inclusion of communication protocols between the Marine Mammal Observers/Passive Acoustic Monitoring operator and the piling contractor; and,

d) the 500m mitigation zone may be reduced to 100m in regards to seals.

3.2.6. The Licensee must ensure that the Licensed Activity is carried out in accordance with a Construction Environmental Management Document ("CEMD") which the Licensee must submit, in writing, to the Licensing Authority for its written approval, no later than two months prior to the Licensed Activity or at such a time as agreed with the Licensing Authority. It is not permissible for the Licensed Activity to proceed prior to the granting of such approval. In the event that the Licensee wishes to update or amend any of the protocols in the CEMD, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any Licensed Activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The CEMD must include a construction traffic management plan, protocol for archaeological discoveries, an invasive non-native species management plan, a navigational risk assessment and a dust management plan.

3.2.7. The Licensee must ensure that surveys of the wreck S.S. Alabama are carried out in accordance with the Stornoway Deep Water Port, Stornoway, Western Isles - Written Scheme of Investigation (Document Reference 247960.03). The Licensee must provide the Licensing Authority with written correspondence to show that Historic Environment Scotland is satisfied with the report on survey findings.

3.2.8. The Licensee must notify the UK Hydrographic Office at least five days before commencement of the Licensed Activities. Such notification must include the start date and end date of the Licensed Activities, locations in WGS84 and details of the Licensed Activities to be carried on, marking of the Licensed Activities. The Licensee must follow the advice of the UK Hydrographic Office in relation to any further notifications required.

3.2.9. The Licensee must liaise with the Northern Lighthouse Board to discuss the navigational marking requirement prior to Commencement of the Licensed Activity. This will include the permanent Aids to Navigation ("AtoN") as well as any temporary AtoN required during the construction phases.

3.3 During the Licensed Activity

3.3.1. Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activities.

3.3.2. The Licensee shall ensure that a log of activities is maintained on each vessel employed to undertake the deposit operations. The log(s) shall be kept onboard the vessel(s) throughout the Licensed Activity, and be available for inspection by any authorised Marine Enforcement Officer. The log(s) shall be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the Licensing Authority. The log(s) shall record in English the following information:

a) the name of the vessel;

b) the nature and quantity of each substance or object loaded for deposit;

c) the date and time of departure from port, and the date and time of arrival at the authorised sea deposit area(s), on each occasion that the vessel proceeds to the designated sea deposit area(s);

d) the date, time and position of commencement, and the date, time and position of completion, of each deposit operation;

e) the course(s) and speed(s) throughout each deposit operation (multiple changes may be recorded as "various");

f) the weather, including wind strength and direction, sea-state and tidal set throughout each deposit operation;

g) the rate of discharge during each deposit operation, if appropriate, and the duration of each deposit operation (if the rate of discharge is not constant, the maximum and mean rates of discharge should be indicated);

h) comments on the deposit operations, including any explanations for delays in the deposit operations; and

i) the signature of the Master at the foot of each page of the record.

3.3.3. The Licensee must ensure that copies of the licence are available for inspection by Marine Enforcement Officer at:

a) the premises of the Licensee;
b) the premises of any agent, contractor and sub-contractor acting on behalf of the Licensee;
c) location of the Licensed Activity; and
d) any vessel or vehicle carrying on the licensed activity.

3.3.4. The Licensee must deposit the substances or objects described in Part 2 of the marine licence in the following authorised sea deposit area(s):

STORNOWAY (HE035) Up to a maximum quantity of 90,000 wet tonnes may be deposited during the period of validity of the licence, within the area bounded by joining the points;

58° 10.933' N 006° 22.783' W
58° 10.850' N 006° 22.667' W
58° 11.133' N 006° 22.000' W
58° 11.217' N 006° 22.133' W

3.3.5. Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.6. The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.3.7. The Licensee must provide a copy of the licence to each agent, contractor and sub-contractor employed to undertake the Licensed Activities.

3.3.8. The Licensee must ensure that any masters of vessels and vehicle operators and agents, contractors or sub-contractors are aware of the particulars in Part 2 of the licence and the conditions in Part 3 of the licence.

3.3.9. The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.10. The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.4 Upon Completion of the Licensed Activity

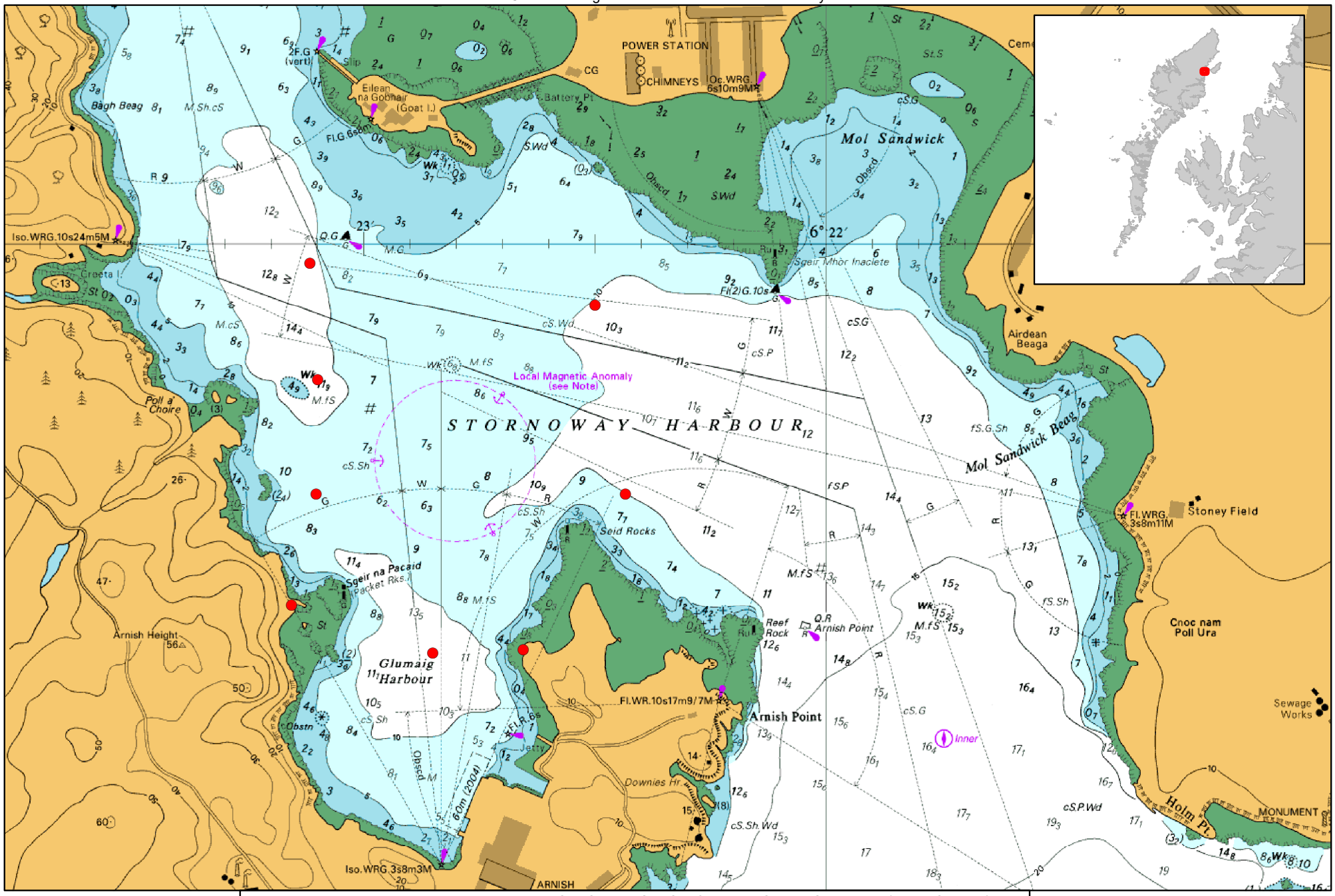
3.4.1. The Licensee must submit written reports to the Licensing Authority stating the nature and total quantity, in wet tonnes, of all substances or objects deposited under authority of the licence. The written reports must be submitted to the Licensing Authority annually and on the forms provided by the Licensing Authority.

3.4.2. The Licensee must, within seven days of completion of the licensable marine activity, notify the Licensing Authority of the date of completion of the licensable marine activity.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

Annex One to Licence MS-00008748
Chart showing the location of the Licensed Activity



ANNEX TWO

Contractors, sub-contractors and vessels authorised to be used for construction works, dredging and deposit of substances or objects at licensed **Stornoway Port Authority** locations.

Licence Number:	Expiry Date:
MS-00008748	30 September 2024
MS-00008749	30 June 2025

Contractors and sub-contractors:

To be confirmed

Vessels

Vessel Name	**IMO**	**Flag**

To be confirmed

The agent or Licensee must notify the Licensing Authority as soon as reasonably practicable if a vessel is to be used for the deposit of substances or objects, or a contractor, or sub-contractor, not listed on the annex two is to be used for any construction works, capital dredging or the deposit of substances or objects. The information required by the Licensing Authority regarding any contractor(s), sub-contractor(s) and vessel(s) is listed in Part 2 of the associated licences.

Signed: .....

Anni Mäkelä

For and on behalf of the licensing authority

Date: 03 September 2021

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA

Licence Number: **MS-00008749**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

Stornoway Port Authority
Amity House
Esplanade Quay
Stornoway
HS1 2XS

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **04 September, 2021** until **30 June, 2025**

Signed: ……..
Anni Mäkelä

For and on behalf of the Licensing Authority

Date of issue: 03 September, 2021

1. PART 1 - GENERAL

1.1 Interpretation

In the licence, terms are as defined in Section 1, 64 and 157 of the Marine Scotland Act 2010, and
a) **"the 2010 Act"** means the Marine (Scotland) Act 2010;
b) **"Licensed Activity"** means any activity or activities listed in section 21 of the 2010 Act which is, or are authorised under the licence;
c) **"Licensee"** means Stornoway Port Authority
d) **"Mean high water springs"** means any area submerged at mean high water spring tide;
e) **"Commencement of the Licensed Activity"** means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;
f) **"Completion of the Licensed Activity"** means the date on which the Licensed Activity has been installed in full, or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Scotland
Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB
Email: MS.Marinelicensing@gov.scot

1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.

1.4 Variation, suspension, revocation and transfer

Under section 30 (1) of the 2010 Act the Licensing Authority may by notice vary, suspend or revoke the licence granted by them if it appears to the Licensing Authority that there has been a breach of any of its provisions. For any such other reason that appears to be relevant to the Licensing Authority under section 30(2) or (3) of the 2010 Act. Under the 2010 Act variations, suspensions, revocations and transfers of licences are subject to the procedures set out in section 31 of the Act.
Under section 30 (7) of the 2010 Act, on an application made by a licensee, the Licensing Authority may vary a licence if satisfied that the variation being applied for is not material.
Under section 30 (8) of the 2010 Act, on an application made by the licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

1.5 Breach of requirement for, or conditions of, licence

Under section 39 of the 2010 Act it is an offence to carry on a Licensable Marine Activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

1.6 Defences: actions taken in an emergency

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that –
the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure (‘force majeure'), and
that the person took steps within a reasonable time to inform the Licensing Authority as set out in section 40(2) of the 2010 Act.

1.7 Offences relating to information

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or the provisions of this licence.

1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

2. PART 2 – PARTICULARS

2.1 Agent

Affric Limited
Lochview Office
Loch Duntelchaig
Farr
IV2 6AW

2.2 Location of the Licensed Activity

Deep Water Port, Glumaig Bay, Stornoway, with the boundary found by joining the points:

58° 11.818’ N 006° 23.388’ W
58° 11.845’ N 006° 23.099’ W
58° 11.537’ N 006° 22.654’ W
58° 11.533’ N 006° 22.850’ W
58° 11.348’ N 006° 22.912’ W

As shown in Annex One.

2.3 Description of the Licensed Activity

Construction of a deep water port at Glumaig Harbour, Stornoway, Isle of Lewis including the following components:

• Construction of the main quay;
• Construction of a heavy load area;
• Construction of a pontoon;
• Construction of a bollard island;
• Construction of the freight ferry berth and linkspan;
• Creation of a levelled area by land reclamation;
• Construction of a link road by land reclamation; and
• Removal of parts of the SS Portugal wreck.

As described in the application dated 30 June, 2020 and correspondence submitted in support of the application.

2.4 Descriptions of the materials to be used during the Licensed Activity

The licence authorises the use of the undernoted construction materials required in connection with the licensed activity, subject to the indicative amounts as specified below:

Materials to be permanently used in the course of the Licensed Activity:

Steel - 11,100 tonnes
Timber - 150 tonnes

Concrete - 30,700 tonnes
Piping - 3000 square metres
Fenders - 850 square metres
Oil Interceptors - 60 square metres
Sand - 399,950 tonnes
Gravel - 1,030,750 tonnes
Cobbles - 343,900 tonnes
Boulders - 260,030 tonnes

Materials to be temporarily used in the course of the Licensed Activity:

Steel - 500 tonnes

Materials to be removed in the course of the Licensed Activity:

Steel - 500 tonnes
Parts of the wreck of SS Portugal

2.5 Contractor and Vessel Details

As shown in Annex Two

3. PART 3 – CONDITIONS

3.1 General Conditions

3.1.1. The Licensee must at all times construct and maintain the Licensed Activity in accordance with the licence, the application and the plans and programmes approved by the Licensing Authority.

3.1.2. All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Licensed Activity, whether or not this licence has been transferred to that person.

3.1.3. The Licensee must ensure that only the materials listed in Part 2 of the licence are used during the execution of the Licensed Activity and that all materials, substances or objects used during the execution of the Licensed Activity are inert and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.4. In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.5. The Licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: sdr@ukho.gov.uk; tel.: 01823 484444) of the progress and upon completion of the the Licensed Activity. Such notification must include a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

3.1.6. If it is desired to display any marks or lights not required by the licence then details must be submitted to the Northern Lighthouse Board and its ruling complied with. The display of unauthorised marks or lights is prohibited.

3.1.7. The Licensee must remove the materials, substances or objects from below the level of Mean High Water Springs, or make such alterations as advised by the Licensing Authority, within one month of notice being given by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.8. The Licensee must notify the Licensing Authority within one week of the Licensed Activity being ceased or terminated before completion and, within one month of such notification, submit a decommissioning plan to the Licensing Authority for its approval. The decommissioning plan must set out measures to be taken for decommissioning the works and be based on best practice at that time. The Licensee must carry out all measures in the approved decommissioning plan within a timescale stipulated by the Licensing Authority. Where approval for the decommissioning plan is not given by the Licensing Authority, the Licensee must carry out the measures to decommission the works as stipulated by the Licensing Authority in any notice served by the Licensing Authority in a timeframe described in the notice. The Licensee shall be liable for all costs.

3.1.9. If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

a) the failure to mark and light the works as required by this licence;
b) the maintenance of the works; or

c) the drifting or wreck of the works

to include the broadcast of navigational warnings, then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.10. The Licensee must ensure that the Licensed Activity is carried out in accordance with the mitigation measures outlined in Chapter 17: Schedule of Mitigation of the Stornoway Deep Water Port - Environmental Impact Assessment Report, Volume 2 submitted to the Licensing Authority in December, 2020.

3.1.11. The Licensee must ensure that the Licensed Activity is carried out in accordance with the Stornoway Deep Water Port, Stornoway, Western Isles - Written Scheme of Investigation (Document Reference 247960.03).

3.1.12. The Licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the Licensing Authority.

3.1.13. The Licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry no later at 6 month intervals during the validity of the licence and on completion of the Licensed Activity.

3.2 Prior to the commencement of the Licensed Activity

3.2.1. The Licensee must complete and submit a proposed activity form in the online Marine Noise Registry for all Licensed Activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than seven days prior to commencement of the Licensed Activity. If any aspects of the Licensed Activity differs from the proposed activity form in the online Marine Noise Registry, the Licensee must complete and submit a new proposed activity form no later than seven days prior to commencement of the Licensed Activity.

3.2.2. The Licensee must provide the name and function of any agent, contractor or sub-contractor appointed to undertake the Licensed Activities, as soon as is reasonably practicable prior to the Licensed Activities commencing.

3.2.3. The Licensee must, prior to and no less than seven calendar days before the Commencement of the Licensed Activity, notify the Licensing Authority, in writing, of the date of Commencement of the Licensed Activity authorised under this licence.

3.2.4. The Licensee must ensure that HM Coastguard, in this case zone36@hmcg.gov.uk is made aware of the Licensed Activity prior to commencement.

3.2.5. The Licensee must ensure that the Licensed Activity is carried out in accordance with a Marine Mammal Management Plan (“MMMP”) which the Licensee must submit, in writing, to the Licensing Authority for its written approval, no later than two months prior to the commencement of the Licensed Activity or at such a time as agreed with the Licensing Authority. It is not permissible for the Licensed Activity to proceed prior to the granting of such approval. In the event that the Licensee wishes to update or amend any of the protocols in the MMMP, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any Licensed Activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include, but not be limited to, the mitigation measures outlined in the Piling Marine Mammal Protocol and the Spoil Disposal Marine Mammal Protocol found within paragraphs 7.6.1. and 7.6.2. of the Stornoway Deep Water Port – Environmental

Impact Assessment Report Volume 2, December 2020 subject to the following alterations to both protocols:

a) inclusion of details of the on-site location and experience levels of the marine mammal observers employed;

b) inclusion of the details of the Passive Acoustic Monitoring system to be utilised, including details of its location, when it is to be deployed and the experience of the levels of the operators;

c) inclusion of communication protocols between the Marine Mammal Observers/Passive Acoustic Monitoring operator and the piling contractor; and,

d) the 500m mitigation zone may be reduced to 100m in regards to seals.

3.2.6. The Licensee must ensure that the Licensed Activity is carried out in accordance with a Construction Environmental Management Document ("CEMD") which the Licensee must submit, in writing, to the Licensing Authority for its written approval, no later than two months prior to the Licensed Activity or at such a time as agreed with the Licensing Authority. It is not permissible for the Licensed Activity to proceed prior to the granting of such approval. In the event that the Licensee wishes to update or amend any of the protocols in the CEMD, the Licensee must submit, in writing, details of proposed updates or amendments to the Licensing Authority for its written approval, no later than one month or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any Licensed Activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The CEMD must include a construction traffic management plan, protocol for archaeological discoveries, an invasive non-native species management plan, a navigational risk assessment and a dust management plan.

3.2.7. The Licensee must ensure that surveys of the wreck S.S. Alabama are carried out in accordance with the Stornoway Deep Water Port, Stornoway, Western Isles - Written Scheme of Investigation (Document Reference 247960.03). The Licensee must provide the Licensing Authority with written correspondence to show that Historic Environment Scotland is satisfied with the report on survey findings.

3.2.8. The Licensee must liaise with the Northern Lighthouse Board to discuss the navigational marking requirement prior to Commencement of the Licensed Activity. This will include the permanent Aids to Navigation (“AtoN”) as well as any temporary AtoN required during the construction phases.

3.2.9. The Licensee must notify the UK Hydrographic Office at least five days before commencement of the Licensed Activity. Such notification must include the start date and end date of the Licensed Activities, locations in WGS84 and details of the Licensed Activities to be carried on, marking of the Licensed Activity. The Licensee must follow the advice of the UK Hydrographic Office in relation to any further notifications required.

3.3 During the Licensed Activity

3.3.1. The Licensee must ensure that the Licensed Activity is maintained at all times in good repair.

3.3.2. The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.3.3. The Licensee shall ensure that prior to the expiry of the licence, the Licensed Activity must be altered by taking all temporary structures to a place above Mean High Water Springs.

3.3.4. The Licensee must ensure that only those agents, contractors or sub-contractors notified to the Licensing Authority are permitted to undertake the Licensed Activity.

3.3.5. The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.6. The Licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the Licensed Activity.

3.3.7. The Licensee must ensure the foreshore and seabed are returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activity.

3.3.8. Any person authorised by the Licensing Authority must be permitted to inspect the site at any reasonable time.

3.3.9. The Licensee must ensure that copies of the licence are available for inspection by Marine Enforcement Officer at:

a) the premises of the Licensee;
b) the premises of any agent, contractor and sub-contractor acting on behalf of the Licensee; and
c) location of the Licensed Activity.

3.3.10. The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.3.11. The Licensee must provide a copy of the licence to each agent, contractor and sub-contractor employed to undertake the Licensed Activities.

3.4 Upon Completion of the Licensed Activity

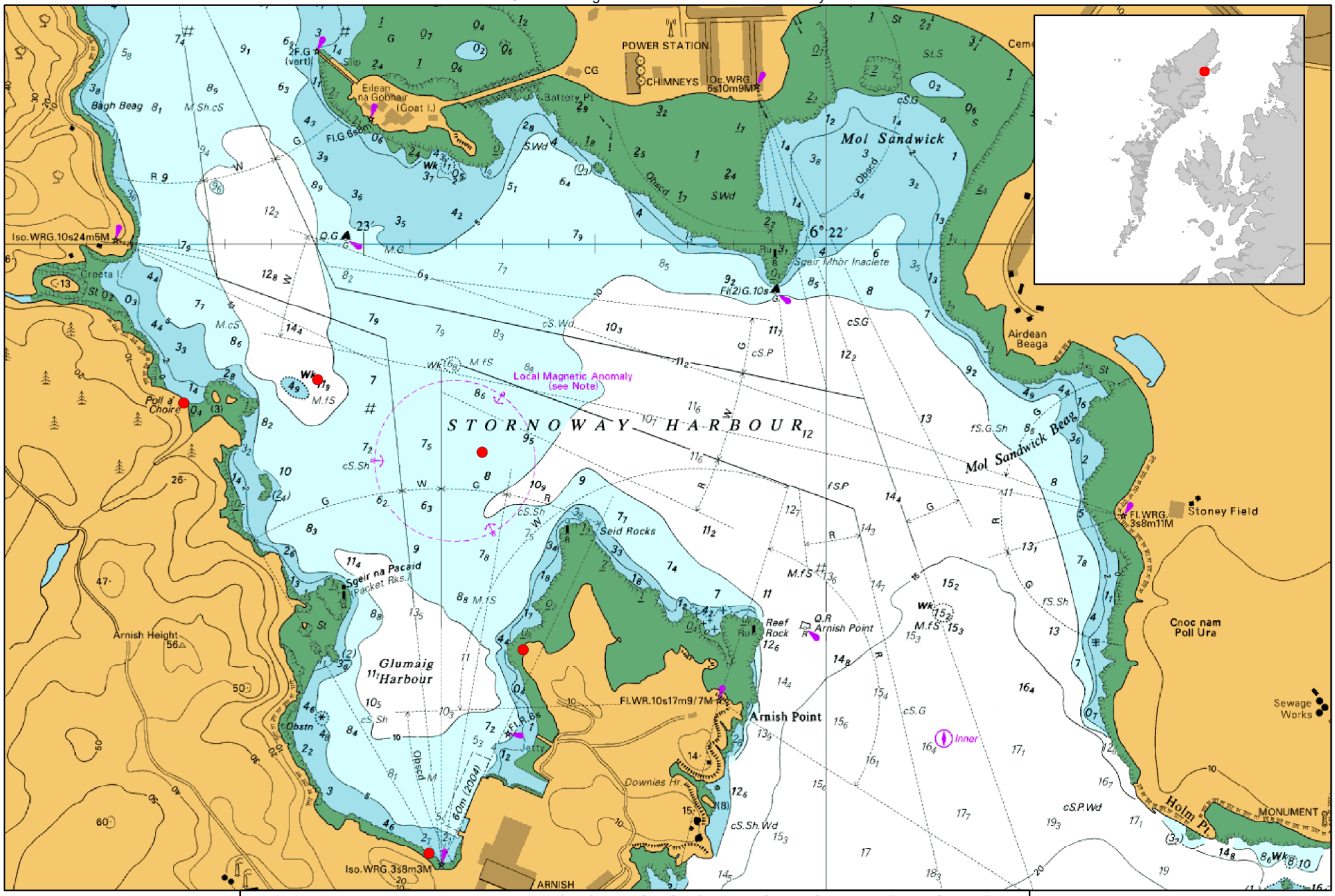
3.4.1. The Licensee must, no later than 14 days following the Completion of the Licensed Activity notify the Licensing Authority, in writing, of the date of the Completion of the Licensed Activity.

3.4.2. The Licensee must submit a written report regarding the materials used during the Licensed Activity to the Licensing Authority. The written report must be submitted on completion of the Licensed Activity and on the forms provided by the Licensing Authority no later than 31 October 2026.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

Annex One to Licence MS-00008749
Chart showing the location of the Licensed Activity



ANNEX TWO

Contractors, sub-contractors and vessels authorised to be used for construction works, dredging and deposit of substances or objects at licensed **Stornoway Port Authority** locations.

Licence Number:	Expiry Date:
MS-00008748	30 September 2024
MS-00008749	30 June 2025

Contractors and sub-contractors:

To be confirmed

Vessels

Vessel Name	**IMO**	**Flag**

To be confirmed

The agent or Licensee must notify the Licensing Authority as soon as reasonably practicable if a vessel is to be used for the deposit of substances or objects, or a contractor, or sub-contractor, not listed on the annex two is to be used for any construction works, capital dredging or the deposit of substances or objects. The information required by the Licensing Authority regarding any contractor(s), sub-contractor(s) and vessel(s) is listed in Part 2 of the associated licences.

Signed: .....

Anni Mäkelä

For and on behalf of the licensing authority

Date: 03 September 2021