

Aviation, Maritime, Freight & Canals

Victoria Quay, Edinburgh EH6 6QQ
dario.dallacosta@transport.gov.scot



Planning Policy and Guidance
Comhairle nan Eilean Siar

localdevplan@cne-siar.gov.uk

13 May 2024

To whom it may concern

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

1. Transport Scotland has received notification from Stornoway Harbour Authority regarding the above proposed application. Stornoway Port Authority is seeking to develop a second phase to its Deep Water Port project, currently named Deep Water South. This proposed development would comprise:

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

2. Due to the large size of the accompanying document I will send it via WeTransfer.

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

4. Under paragraph 4 of schedule 3 of the Harbours Act 1964, Ministers must decide whether a proposed application relates to a project which requires an environmental impact assessment (EIA), or “screening decision”.

5. At the same time as giving a screening decision, Ministers may also give their opinion under paragraph 6 of schedule 3 about the scope and level of detail which the applicant will be required to supply in an environmental statement, where one is needed.

6. As you will be aware, where Scottish Ministers are notified of a proposed HRO which authorises a project they are required in terms of paragraph 4 of Part 1 of Schedule 3 to the 1964 Act to decide:

- Whether that application relates to a project which is of a type specified in Annex I or Annex II to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended (the EIA Directive); and
- If it relates to a project which is of a type specified in Annex II, whether taking into account the selection criteria, the project is a relevant project.

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

8. I am writing to seek your views on whether this application relates to a project which falls under Annex I or II of the Directive, and if the latter, whether it is a relevant project. Your views on this would assist Ministers with arriving at their screening decision.

9. Paragraph 6(4) Part 1 of Schedule 3 to the Harbours Act 1964 sets out that, before giving their scoping opinion, Scottish Ministers must consult with such bodies with environmental responsibilities or local or regional competencies as ministers considers appropriate. Scottish Ministers are of the view that it is appropriate to consult Comhairle nan Eilean Siar.

10. To that end, Ministers would be grateful for your views on whether an Environmental Statement (ES) should be provided by the applicant under the terms of the Directive, and if so, the extent of the information referred to in Annex IV to the Directive which the applicant should supply in the statement.

11. In addition, please confirm whether, in your view, the project is likely to have a significant effect on a European site and, if so, whether an appropriate assessment is likely to be required under regulation 48 of the Conservation (Natural Habitats, etc.) Regulations 1994.

12. A reply to this letter by **Friday 7 June 2024**, or sooner if possible, to avoid delay in responding to the applicant would be very much appreciated.

13. I look forward to hearing from you or an appropriate member of your organisation. Please do not hesitate to contact me if you wish to discuss this in further detail.

Yours sincerely



Dario Dalla Costa
Port Policy Advisor