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Simon Brebner  
Peterhead Port Authority  
Harbour Office  
West Pier  
Peterhead  
AB42 1DW

22 August 2019

Dear Mr Brebner

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS  
(ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2017 (AS  
AMENDED)

Thank you for your screening opinion request for the proposed sea wall repair works at Alexandra Parade Sea Wall, Peterhead Harbour ("the Proposed Works") received on 24 May 2019 together with the information regarding the modelling of the coastal processes around Peterhead Harbour received on 6 August 2019.

The Proposed Works involve the modification and extension of the existing Alexandra Parade Sea Wall to protect Peterhead Harbour infrastructure from significant wave overtopping. The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of The Marine Works (Environmental Impact Assessment) Scotland Regulations 2017 (as amended) ("the 2017 MW Regulations"). The threshold, as described in column 2 of schedule 2 of the 2017 MW Regulations, for coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, is "all works" thus the Proposed Works exceed this threshold.

In considering your screening opinion request, the Scottish Ministers have consulted with the relevant local planning authority (Aberdeenshire Council), Scottish Natural Heritage ("SNH"), Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an Environmental Impact Assessment ("EIA") project. Copies of the consultation responses received are attached for your review (at Appendix I).

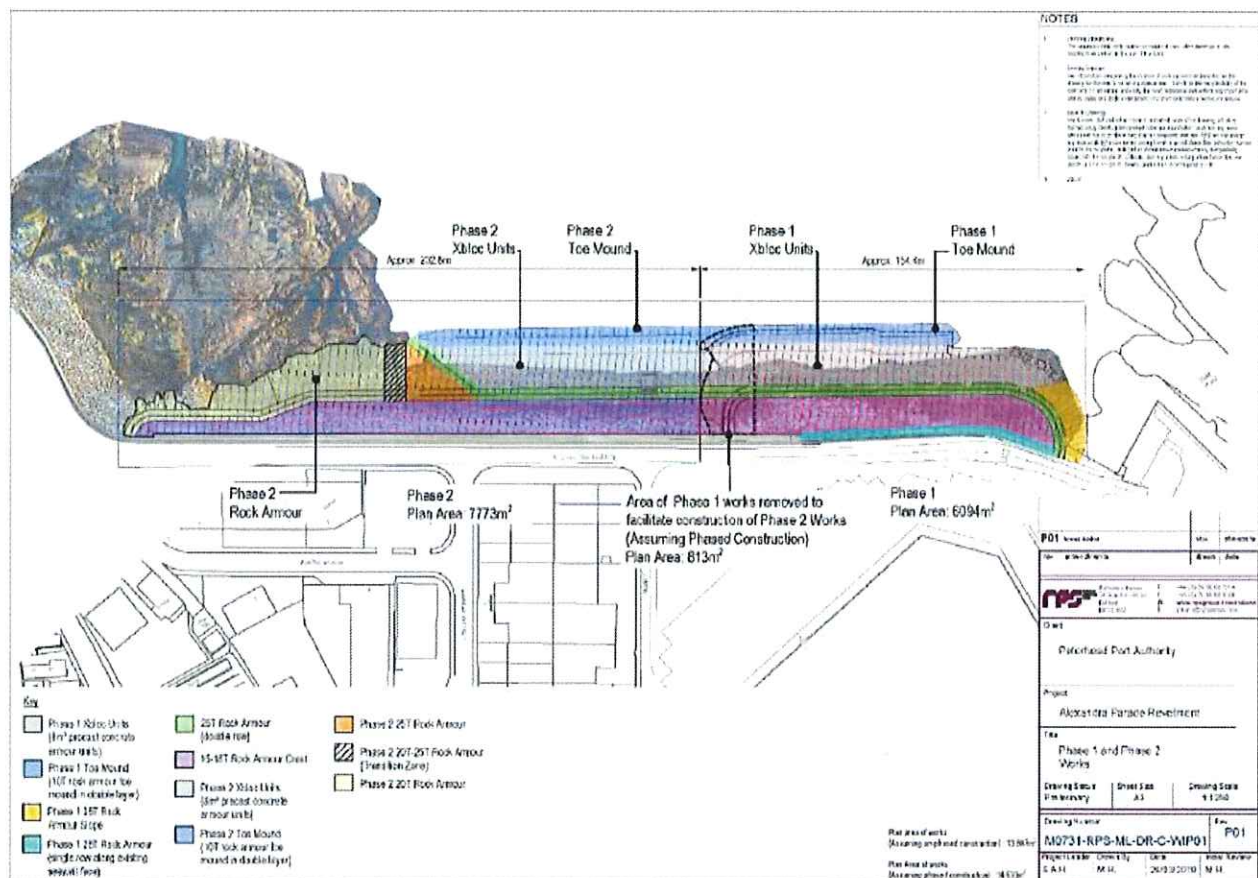
When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

### Characteristics of the works

The purpose of the Proposed Works is to strengthen the sea defence capabilities of the full length of the Alexandra Parade Sea Wall revetment extending to approximately 330 metres (“m”) in length.

The Proposed Works involve the re-profiling of the existing revetment (including the removal of existing concrete and rock armour), formation of a toe trench and placement of pre-cast concrete units ("Xbloc units") and various sizes of rock armour within the toe trench, on the existing embankment and along the crest extending to the existing sea wall (Figure 1).

Figure 1.



The total area of the Proposed Works is 13,555 square metres ("m<sup>2</sup>"), 13,518m<sup>2</sup> of which is below Mean High Water Springs ("MHWS") with 10,870m<sup>2</sup> being within the existing revetment footprint. The Scottish Ministers are content that the Proposed Works, outwith the existing revetment boundary, are relatively limited in their extent with a total area of 2,648m<sup>2</sup> below MHWS.

It is the Scottish Ministers' understanding that re-profiling of the existing rock armour revetment will be undertaken by removing existing concrete elements and rock armour in the revetment with a crane or excavator with remaining sections of the concrete pitched revetment then being broken up to improve porosity using a rock breaker mounted into an excavator. Re-profiling of existing bedrock and remaining revetment toe will then be undertaken to facilitate revetment construction and localised toe trench formation/placement of Xbloc units. The toe trench will be formed using a rock breaker or rock wheel mounted on an excavator.



A rock embankment overlaying and encompassing the existing revetment will be constructed using rock armour. The rock armour will be transported to the area of the Proposed Works using a loading shovel or dump truck & placed using an excavator. The toe mound and revetment will be constructed through the placement of Xbloc units and rock armour using an excavator & slings.

The Proposed Works also involve the dredging of 4,270 cubic metres ("m<sup>3</sup>") of rock substrate to form the extended toe trench. If suitable the dredge material will be reused in the re-profiling of the revetment. The re-profiling works will include placement of rock armour and concrete armour units, of varying sizes up to approximately 25 tonnes and 20 tonnes respectively within and outside the existing footprint of the revetment. The Proposed Works will require the use of approximately 76,975 m<sup>3</sup> of rock material together with the possible reuse of 4,270m<sup>3</sup> dredge material.

Whilst the footprint of the sea wall and ancillary features will increase as a result of the Proposed Works the Scottish Ministers are content that the size and design of the Proposed Works are unlikely to have significant effects on the environment.

SEPA noted the Proposed Works could potentially give rise to the risk of pollution through silt mobilisation, silt suspension or chemical or oil spillages. SEPA provided general comments in regards to waste management, Marine Non-Native Species and pollution prevention. Provided that good working practices are followed for these then SEPA are satisfied that with respects to their interests, an EIA is not required.

Aberdeenshire Council advised that in their view the impact upon water quality and benthic habitats would not be significant due to the extent and resulting impact of the Proposed Works being short term and minimal. They advised that in their view there would be no significant cumulative impacts anticipated with from the Proposed Works and were content that the potential impacts associated with the characteristics of the Proposed Works were not likely to be significant and could be sufficiently addressed through standard and accepted mitigation measures.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristics of the works are unlikely to have significant effects on the environment.

### **Location of the works**

The Proposed Works are located within close proximity to two designated sites; Moray Firth Special Area of Conservation ("SAC") and Buchan Ness to Collieston Coast Special Protected Area ("SPA"). SNH advised that the underwater noise from the Proposed Works has the potential to cause disturbance to the bottlenose dolphins qualifying interest of the Moray Firth SAC and an appropriate assessment will be required. SNH advised however that the Proposed Works would not have a likely significant effect on the Buchan Ness to Collieston Coast SPA. In addition, SNH advised that there would unlikely to be significant effects on the fish species or benthic ecology as result of the Proposed Works.

Aberdeenshire Council initially indicated that further information may be required from the applicant to demonstrate that the Proposed Works would not increase the risk of flooding elsewhere, including the nearby properties on the Esplanade. Aberdeenshire Council highlighted that the Proposed Works could have the potential to impact coastal processes.

The applicant however subsequently submitted a report on the modelling of the coastal processes around Peterhead and the effects of the Proposed Works. The report concluded that the Proposed Works would not result in a change in the currents or sediment supply, or increase in the wave climate in the coastal areas adjoining the Alexandra Parade frontage and therefore there would be no negative impact on flood risk as a result of the Proposed Works. On the basis of this report, Aberdeenshire Council confirmed that they were satisfied with regards to the potential risk of flooding posed by the Proposed Works.

HES acknowledged that part of the Proposed Works will fall outwith the footprint of the existing embankment and will involve dredging as well as the breaking and removal of rock from the seabed in this area. They advised however that the Proposed Works are unlikely to result in significant effects on marine archaeology and they are content that the proposed protocol for archaeological discovery will provide suitable mitigation for the historic environment.

The Scottish Ministers consider that the potential underwater noise impacts associated with the location of the Proposed Works are not significant and can be sufficiently mitigated. Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristics of the works are not likely to have significant effects on the environment.

### **Characteristics of the potential impact**

The Scottish Ministers do not consider there to be any significant potential impacts on the environment associated with the Proposed Works and therefore the characteristics of the potential impact are not of concern.

### **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland – Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Aberdeenshire Council planning department for their information. The screening opinion has also been made publicly available through the Marine Scotland Information website. <http://marine.gov.scot/ml/sea-wall-repair-and-extension-alexandra-parade-peterhead>

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

[Redacted]

Licensing Operations Team  
Marine Scotland

## **Appendix I**



Our Ref: ENQ/2019/0919  
Your Ref:

Ask for: Stuart Murison  
Direct Dial: 01467-537696  
Email: [stuart.murison@aberdeenshire.gov.uk](mailto:stuart.murison@aberdeenshire.gov.uk)

Naomi Gibson  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

14 June 2019

Dear Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")**  
**Proposal: CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS – REPAIR OF ALEXANDRA PARADE SEA WALL**  
**Address: ALEXANDRA PARADE SEA WALL, PETERHEAD**

Thank you for your consultation regarding the EIA Screening request concerning repairs to the existing Sea Wall at Alexandra Parade, Peterhead. As the relevant terrestrial Planning Authority, we welcome the opportunity to comment on the Screening Report.

However we would outline that Marine Scotland are considered to be the appropriate body to determine whether the development as a whole is considered EIA development, Aberdeenshire Council's comments and advice will be restricted solely to terrestrial, onshore matters and will not represent a definitive view as to whether the entire project is or is not EIA development.

It is noted within the submission that the focus is on the offshore elements and that onshore considerations will be addressed separately.

With regard to the works themselves, it is noted that the strengthening of the entire 330m length of the sea wall is proposed, through the re-profiling of the existing revetments, formation of a toe trench and placing of various sizes of rock armour at locations along the sea wall. The footprint of the sea wall and ancillary features will increase as a result of these proposals.

The submission outlines the Mean High Water Spring (MHWS) as being the extent of the offshore interests, but has not acknowledged that from a terrestrial standpoint, the Mean Low Water Spring (MLWS) represents the extent of Aberdeenshire Council's interests and instead infers a definitive boundary at the MHWS. This matter has been considered throughout the assessment of the Screening Report and consideration of



the MLWS and inshore areas included by Aberdeenshire Council.

The submission has identified the 3 criteria against which the need or otherwise for an EIA Report is to be established, namely the Characteristics of the Proposal, the Location of the Proposal and the Characteristics of the Potential Impacts. The developer's submission concludes, through assessment of these, that no significant adverse impacts are anticipated and thus, they do not consider an EIA Report to be necessary. From an Aberdeenshire Council perspective, the following comments are offered.

Characteristics of the Proposal: An extended footprint of roughly 20% is proposed, with the remainder of the works occurring within the existing footprint. There would be an associated use of resources sourced both locally and also from Norway, amounting to 76,975m<sup>3</sup>. The above impacts in terms of size, design or use of resources are not considered to be significant in terms of terrestrial environmental impacts within the submission, albeit the added carbon footprint of sourcing resources from Norway is noted and less carbon heavy alternatives could be considered. Furthermore, no cumulative impacts are anticipated while pollution, accident or health risks are able to be addressed through standard and accepted mitigation measures. With regard to potential flood risk, we would wish to ensure that the applicant demonstrates that any works carried out would not increase the risk of flooding elsewhere including nearby properties on the Esplanade.

Location of the Proposal: The submission states that the sea wall is located a substantial distance from any protected sites or any known wildlife breeding areas, meaning that the works are unlikely to raise any direct significant issues in these regards. The works would extend the existing revetment, which would have a limited locational impact upon onshore areas within the existing Harbour complex and locality. It is noted that an area of 2,685m<sup>2</sup> of natural seabed is to be absorbed by the proposals, this is not considered to be significant from a terrestrial planning perspective, however we would highlight this for consideration by Marine Scotland and other agencies. With regard to potential flood risk, we would wish to ensure that the applicant demonstrates that any works carried out would not increase the risk of flooding elsewhere including nearby properties on the Esplanade.

Characteristics of the Potential Impact: The submission outlines that potential impacts on coastal processes, water quality, benthic habitats and issues associated with noise emissions have the potential to cause issues. The submitted assessment outlines that the scale of the works mean that a minimal change would be experienced along the coastline, considering the nature and characteristics of the existing coastline in terms of coastal processes. Furthermore, the various works including placing of further rock material as well as the excavation of material is acknowledged as having the potential to increase the level of sediment released into the water and thus adversely impact the water quality within the locality. However, the assessment concludes that the extent of the works and the resultant impact would be short term and minimal in the context of this type of development and thus not significant. Introducing material or rock into the area may also impact upon benthic ecology, the assessment however includes that this is likely to be minimal in terms of impact given the ability of species to re-colonise any new features introduced and as such no significant losses are anticipated. The works may also lead to noise emissions and associated impacts which have the potential to disrupt wildlife, the submission however outlines the short term and intermittent impact which is considered to give rise to very little potential for any physical harm to any





wildlife, appreciating that behaviours may be temporarily altered from noise emissions. With regard to potential flood risk, we would wish to ensure that the applicant demonstrates that any works carried out would not increase the risk of flooding elsewhere including nearby properties on the Esplanade. It is noted that the works have the potential to impact upon coastal processes, this should also be included when considering flood risk elsewhere, as should any impacts upon wave climate within the vicinity.

Considering the above Characteristics of Potential Impacts and the conclusions drawn within the submission, I can advise that from a terrestrial, onshore standpoint that the works described and associated impacts are not considered to be significant and thus not likely to require the submission of an EIA Report, subject to confirmation that flood risk elsewhere within the vicinity will not increase as a result of the works. From an Aberdeenshire Council perspective therefore, subject to the inclusion and implementation of detailed mitigation as described and demonstrations that flood risk will not increase, the works and their impacts upon areas of interest to Aberdeenshire Council raise no significant concerns at this time.

We would wish to ensure however that steps are taken to ensure that the works do not lead to any increased risk of flooding or adverse impacts to onshore areas in and around Peterhead Harbour. This may also include the diversion of water away from the Harbour towards other sensitive receptors outwith the Harbour boundary which would give rise to further concerns.

There is the potential for the development, in particular the physical alterations to the Sea Wall to have a degree of impact upon the neighbouring Conservation Area. However, the works are such that given the location within the Harbour area as well as their offshore nature, that they are not considered to be of such a significant nature to warrant a full EIA Report in this regard.

The scope of the proposed Environmental Report appears to be acceptable, considering only offshore issues.

The above relates solely to onshore, terrestrial impacts from these (predominantly) offshore works however. We would still advise liaising with other agencies and considering the nature and extent of offshore impacts further before coming to an overall conclusion regarding the significance of any environmental impacts and the need or otherwise for an EIA Report.

Similarly, the above should not be taken as an indication that any onshore works will not require an EIA Report, this process and Screening will require to be conducted separately under the appropriate Regulations.

I trust the above response has addressed your enquiry. In the event that you wish to discuss any matters relating to this issue please contact the case officer on the number at the head of this letter.





Yours faithfully

[Redacted]

**Head of Planning and Building Standards**

## Gibson N (Naomi)

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**From:** Gibson N (Naomi)  
**Sent:** 22 August 2019 16:46  
**To:** Gibson N (Naomi)  
**Subject:** FW: Peterhead Port Authority - Alexandra Wall Sea Wall Repair, Peterhead - Consultation on Request for Screening Opinion – Response Required by 26 June 2019

**From:** Stuart Murison <stuart.murison@aberdeenshire.gov.uk>  
**Sent:** 13 August 2019 14:47  
**To:** Gibson N (Naomi) <Naomi.Gibson@gov.scot>  
**Cc:** David Gander <david.gander@aberdeenshire.gov.uk>  
**Subject:** RE: Peterhead Port Authority - Alexandra Wall Sea Wall Repair, Peterhead - Consultation on Request for Screening Opinion – Response Required by 26 June 2019

Good Afternoon,

Further to previous correspondence, I can confirm that following a review of the additional information submitted in connection with the works at Alexandra Parade, that Aberdeenshire Council are satisfied and have no further comments to make.

I trust this is of use. Please feel free to contact me should you wish to discuss the matter further.

Kind Regards,

Stuart Murison

Senior Planner  
Strategic Development Delivery Team  
Infrastructure Services  
Aberdeenshire Council  
Woodhill House, Westburn Road, Aberdeen  
Tel: 01467 537696

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By email to: [naomi.gibson@gov.scot](mailto:naomi.gibson@gov.scot)

Ms Naomi Gibson  
Marine Licensing - Casework Officer  
Marine Scotland (Aberdeen Office)

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300038012

24 June 2019

Dear Ms Gibson

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Peterhead Harbour - Alexandra Wall Sea Wall Repair  
Request for Screening Opinion**

Thank you for your consultation which we received on 05 June 2019 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories and Historic Marine Protected Areas. In this case our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system

The Local Authority's archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

**Our Screening opinion**

We have no comments to make on the requirement or otherwise for an EIA for this proposed development. However, you may find the information provided below helpful in reaching your decision on the matter.

**Our advice**

We understand that the proposed development comprises the strengthening of the full length of the Alexandra Parade revetment over two phases of construction. The works will involve the re-profiling of the existing revetment, formation of a toe trench and placement of various sizes of rock armour and pre-cast concrete within the toes trench, on the existing embankment and along the crest extending to the existing seawall.

Having reviewed the information provided we consider that there is unlikely to be a significant impact on features within our remit. We note that part of the works will take



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place outside the footprint of the existing embankment and dredging/breaking of rock from the seabed in this area will be required. We are content that this is unlikely to result in significant effects on marine archaeology and we are content that the proposed protocol for archaeological discovery (PAD) will provide suitable mitigation for the historic environment.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements and they can be contacted by phone on 0131 668 8730 or by email on [Victoria.Clements@hes.scot](mailto:Victoria.Clements@hes.scot).

Yours sincerely

**Historic Environment Scotland**



## **Hydrographic Dumping Application Recommendations**

Hydro Ref No. HY010/19: Peterhead Port Authority:

Alexandra Parade Sea Wall Repair

Peterhead Harbour, northern boundary, adjacent to North Harbour,  
Peterhead

Screening Opinion Advice Request: Advice regarding coastal processes for a sea wall repair. Consultation on coastal processes to determine if the expansion of the sea wall will lead to any negative impacts on the housing development just north of where the sea wall end, potentially in the form of flooding.

### Comments:

Just to clarify: are the houses in the new development on “The Esplanade” or which street is the one in question here? Also, are the houses being developed on the east or the west side of that road? And is there any defence along “The Esplanade” (or whichever road is in question here) already?

On Google Maps it looks like there are natural rock outcrops to either end of Alexandra Parade, which would lessen the impact to surrounding areas. Also at the western end of Alexandra Parade the report proposes less rock armour on that side and to build it at an angle, potentially reducing changes to surrounding areas.

PPA had commissioned topographic and bathymetric surveys in the past to determine the extent of future work. Did this cover the adjacent areas (i.e. to the north) as well? There were no further details in the report. The data then also got input into a model to understand the wave climate impacting the sea wall. This report mentions that further modelling was conducted to understand potential frequency at which overtopping may occur over a range of different storm events, again the question is what was the model domain and did they consider surrounding/wider areas?

The report scoped out: “The proposed structure may lead to a change in the wave climate within the area”. If there are concerns than this could be scoped in to include the surrounding area, if the modelling hasn’t already shown that there will be no negative effect. The concern would be related to deflected waves from the new seawall to other areas (changes not prior to reaching the new sea wall but after). If this needs to be scoped in or out will depend on the answers to the questions above.

Please note that SEPA deals with flooding and would be able to comment in more detail with greater expertise on this issue.

The information listed above is given in good faith using the limited data available to the Oceanography Group.

Date 19/06/2019

Physical Oceanographer - Berit Rabe

Our ref: PCS/165904  
Your ref: Alexandra Sea Wall

If telephoning ask for:  
Zoe Griffin

26 June 2019

Naomi Gibson  
Marine Scotland  
Marine Laboratory  
PO Box101  
375 Victoria Road  
Aberdeen  
AB11 9DB

By email only to: [MS.MarineLicensing@scotland.gsi.gov.uk](mailto:MS.MarineLicensing@scotland.gsi.gov.uk)

Dear Ms Gibson

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Sea Wall Repair - Alexandra Sea Wall, Peterhead Harbour, Peterhead**

Thank you for consulting SEPA on the screening opinion for the above development proposal by way of your consultation email which we received on 05 June 2019. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

We consider that, with respect to our interests, Environmental Impact Assessment is not required for the above proposal. Whether or not Environmental Impact Assessment is deemed to be required, to **avoid delay and potential objection** the issues highlighted in the attached appendix must be addressed and information submitted in support of the application.

If an ES is required we would welcome the opportunity to comment on the draft ES. Please note that we can process files only of a maximum size of 25MB and therefore, when the ES is submitted, it should be divided into appropriately sized and named sections.

If you have any queries relating to this letter, please contact me by telephone on 01224 266636 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Zoe Griffin  
Senior Planning Officer  
Planning Service

ECopy to: Peterhead Port Authority, [David.Buchan@peterheadport.co.uk](mailto:David.Buchan@peterheadport.co.uk)  
Case officer, [Naomi.Gibson@gov.scot](mailto:Naomi.Gibson@gov.scot)



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

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*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#)*

## **APPENDIX: DETAILED SEPA COMMENTS**

### **1. Scope of the ES/ or supporting information for marine developments**

- 1.1 From the information submitted we understand the development will include both onshore and offshore components. As such, the development will be subject to a range of different consenting regimes. We encourage the production of a single ES or set of supporting information, which covers all aspects of the proposed development. This will enable a full assessment of the potential effects of the development as a whole, rather than assessing certain details of the development individually.

### **2. Water Framework Directive and River Basin Management Planning**

### **3. Waste Management**

- 3.1 Waste material, which includes dredge spoil, deposited above the low water mark is subject to Waste Management Licensing controls regulated by SEPA unless it is subject to a licence issued under Part 4 of the Marine (Scotland) Act 2010 (which can extend to Mean High Water Spring Tide including within estuaries, rivers and channels), in which case it is excluded from such controls. However, if the waste deposition could constitute a landfill, then PPC not Waste Management Licensing would apply, and in this situation no Marine Licence exclusion is provided for. In this situation, the applicant should consult the local SEPA Regulatory Services team to provide advice on whether or not the proposed waste deposition would constitute a landfill and hence fall within PPC regulation.
- 3.2 Where dredge spoil is used for land reclamation works or harbour works then the method of construction will determine how the activity is regulated. If the works are carried out by way of deposit of material directly onto the intertidal zone or within a permeable bunded area (for example a bund made of placed stones) then the works will be considered to be occurring in the marine environment and will be regulated by Marine Scotland. If the works are constructed by way of initially creating an impermeable bund (such as a sheet piled metal wall) then the use of waste such as dredge spoil for infill works will be considered to be occurring above mean high water springs and therefore will be controlled by SEPA. Such works would require either a waste management licence or a waste management exemption and early discussion with SEPA is advised.
- 3.3 We also recommend that marine licence applicants submit information detailing how proposed developments will contribute to sustainable development. Opportunities to enhance marine habitats in line with Water Framework Directive and The Nature Conservation (Scotland) Act 2004 objectives and Scottish Planning Policy guidance should be explored. Examples may include the coastal realignment, removal of structures, consideration of soft engineering techniques, the incorporation of naturalistic features in the design of shoreline works, or planting with salt tolerant species. Guidance that may be drawn upon includes:
- [Water Framework Directive Mitigation Measures Manual](#)
  - [Estuary Edges: Ecological Design Guidance](#)

### **4. Bathing Waters**

- 4.1 Any dredging/sea disposal operations should be cross checked to see if the proposed site is located in or adjacent to a designated bathing water (within 2 km). If so, ideally all



physical operations should be done outwith the Bathing Water Season (1 June to 15 September). Please refer to the [Bathing waters](#) section of our website for further guidance on the Bathing Waters Directive (2006/7/EC). We confirm the nearest Bathing water is Peterhead (Lido) (UKS7616042) which currently has Excellent status.

## **5. Pollution Prevention**

- 5.1 Operations to carry out the proposed works could potentially give rise to the risk of pollution through silt mobilisation, silt suspension or chemical or oil spillages. To prevent pollution and safeguard marine ecology interests it is vital that good working practice is adopted and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. With regard to works on the shoreline the applicant should refer to the appropriate sections in the following guidance:

[Guidance for Pollution Prevention](#) (GPPs) in particular GPP5 Works and maintenance in or near water (section 3) covers working with concrete, cement and grout.

[CIRIA](#) Guidance, in particular C584 - Coastal and Marine Environmental Site Guide

- 5.2 Mitigation measures should be outlined within construction method statements and onsite compliance should be ensured.

## **6. River Basin Management Planning**

- 6.1 Marine Scotland is a designated authority under the Water Environment and Water Services (Scotland) Act 2003 and ensures that marine licensing assists in the delivery of [River Basin Management Planning](#) objectives. River basins comprise all transitional waters (estuaries) and coastal waters extending to 3nm seaward from the territorial baseline. Any proposed development within 3nm must have regard to the requirements of the Water Framework Directive to ensure that all transitional and coastal water bodies achieve 'Good Ecological Status' and that there is no deterioration in status. We confirm that the coastal classification of the water immediately surrounding the site is at good status (Waterbody ID 200131 Ugie Estuary to Buchan Ness (Peterhead)).
- 6.2 The accidental introduction of Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation and Chapter 8 of the current [River Basin Management Plan](#) states that "We will take a zero tolerance approach to actions that could result in the introduction of [these] invasive species". Given that there has been no successful eradication of any marine non-native species, we recommend that controls should be included in the construction method statements for Marine Non-Native Species in line with Water Framework Directive and Marine Strategy Framework Directive objectives, as well as [EU Biodiversity Strategy](#) targets. Further to EU legislation, the Scottish Government has produced a [Code of Practice on Non-Native Species](#) that clarifies the Wildlife and Natural Environment (Scotland) Act's amendments to the Wildlife and Countryside Act (Scotland). This code clarifies organisational responsibilities and obligations, the use of Control Orders as well as the "polluter pays" principle. Under the Water Framework Directive the presence of MNNS within a water body can constitute a significant pressure on the biological elements. Good status is usually the maximum a water body can achieve if MNNS are detected and this can fall to moderate status if MNNS are present above certain thresholds or impact on ecological receptors. Once well established, efforts to eliminate MNNS species have proven to be extremely expensive and so far, with no success in the marine environment. In view of these difficulties, we support the [GB Non-Native Species Secretariat](#) (GBNNS) recommendation to put in place effective biosecurity measures to prevent introduction and to stop their spread.

- 6.3 Accidental introduction of MNNS can also occur via attachment to construction plants, barges, specialised equipment and moorings, as these are moved from one area to another. We therefore **recommend that method statements produced as part of the marine licence process include a risk statement of possible introductions of marine non-natives and any mitigation measures that will be adopted to minimise these risks before the construction, operation or decommissioning phases of a project commence.** Guidance that may be drawn upon includes:
- Guidance on how to develop bespoke biosecurity advice can be found on the SNH page [Marine Biosecurity Planning](#) and takes a critical control point approach to developing biosecurity that could be applied to most activities.
  - At UK level general advice on marine non-native species can be found on the FERA [Marine Pathways page](#) of the GBNNSS site as well as a contact list of advisors should the advice required not be available.
  - [Check Clean Dry](#) advice can be applied to most activities including small workboats and recreational craft.
- 6.4 Disturbance to the shoreline and/or seabed should be minimised and the shore restored to as near its former condition following the works as reasonably possible.

## **7. Flood risk**

- 7.1 For information, the estimated 1 in 200 year coastal flood level for the area is 2.9mAOD which does not include any allowance for wave action. The latest UK climate change predictions are that sea level in this area will rise by 0.83m by 2100.

## **Regulatory advice for the applicant**

### **8. Regulatory requirements**

- 8.1 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 8.2 You will need to comply with the Controlled Activities Regulations (CAR) and in particular [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 8.3 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Shaw House, Mid Street, Fraserburgh AB43 9JN Tel: 01346 510502

Good Afternoon Naomi,

Thank you for your consultation of the 5<sup>th</sup> of June 2019 requesting our screening opinion on this sea wall repair project. Our advice is that the following should be taken into account when deciding if this proposal requires an EIA:

*Moray Firth Special Area of Conservation (SAC)*

The proposal is likely to have a significant effect on bottlenose dolphins of the Moray Firth SAC. This is because underwater noise could cause disturbance to dolphins travelling past Peterhead. We note that the applicant has scoped disturbance to marine mammals from underwater noise into their considerations and we agree with this decision. Even if you determine that an EIA is not required, Marine Scotland will still need to ensure that they have sufficient information from the applicant to inform an appropriate assessment.

*Buchan Ness to Collieston Coast Special Protection Area (SPA)*

The proposed works are near the Buchan Ness to Collieston Coast SPA, classified for its breeding fulmar, guillemot, herring gull, kittiwake, shag and seabird assemblage. We advise that the proposal is unlikely to have a significant effect on any features of the SPA. This is because:

- The proposed works are completely outwith the SPA.
- The area of the proposed works is unlikely to contain suitable habitat for the species for which the site is classified.

We note that the applicant has also identified potential effects on fish species and benthic ecology. We agree that if an EIA is required, these factors should be scoped in to the EIA report.

Please don't hesitate to contact me if you have any further queries.

Kind regards,  
Andrew

**Andrew Ferguson | Operations Officer**

Scottish Natural Heritage | Inverdee House | Baxter Street | Torry | Aberdeen | AB11 9QA | Phone: 01224 266516

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