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Wendy Johnston
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6th April 2017

Dear Wendy,

**SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)**

**North Ayrshire Council (Royal Haskoning DHV) – Millport Flood Protection Scheme,
Millport, Great Cumbrae Island**

Thank you for your email dated 28th February 2017 together with accompanying documents seeking a screening opinion for the above proposed project.

In Scotland, the 1985 Directive and its three amendments have been codified by Directive 2011/92/EU (“the EIA Directive”) and has been implemented into Scots law through a number of Scottish Statutory Instruments relevant to individual consenting regimes. In this case The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Marine EIA Regs”) require to be considered.

MS-LOT consider the proposal to fall under Annex II 10(k) of the EIA Directive:

10(k) 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, excluding the maintenance and reconstruction of such works;

Some of the proposed works would be considered maintenance and reconstruction but the proposal outlines new construction to be carried out below MHWS that would be capable of altering the coast.

Under regulation 8 of the Marine EIA Regs, MS-LOT (the appropriate authority) must determine whether an EIA is required in relation to a regulated activity that is to be carried out in the course of an Annex II project, if it concludes that the project in question is likely, because of its size, nature or location, to have significant effects on the environment. MS-LOT are of the opinion that this proposal is likely, because of its size and nature, to have significant effects on the environment and therefore **formal EIA is required**.



MS-LOT recommend that scoping and the application processes are coordinated for both the onshore and offshore works and suggest that it would be appropriate for North Ayrshire Council to act as the lead authority.

It should be noted that in 2014 the EIA Directive was amended and the new EIA regulations transposing these amendments come in on the 16th May 2017.

Thank you for consulting with us on this matter. We look forward to receiving your marine licence application in due course. The relevant application form can be accessed at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications/>

Should you have any further queries, please do not hesitate to contact us at MS.MarineLicensing@gov.scot.

Yours sincerely,



Jacqui Cameron
Marine Scotland - Licensing Operations Team