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By email to maureen.mcintyre2@gov.scot

Maureen McIntyre
Marine Licensing and Consenting Casework Officer
Licensing and Operations Team
Marine Directorate
Marine Scotland

Our Ref:CLC171769

Date: 27 July 2023

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
("the EIA Regulations")**

**CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
SCR- 0060 - Caledonian Maritime Assets Ltd (per Jacobs) – Cumbrae Ferry Slipway Replacement
EIA Screening Consultation.**

Dear Ms McIntyre,

Thank you for your request of 6 July 2023 for our advice to inform your screening opinion for the above proposal.

Summary

In accordance with the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations) we have considered the screening request using the criteria detailed in Schedule 2. The proposed development is likely meet the criteria specified in the EIA regulations. It is our view however given the scale, location and characteristics of the development, this is unlikely to have significant effects on the environment with respect to natural heritage receptors.

As a result, we are broadly of the view that the above application should not be subject to the requirements of the EIA Regulations.

Our advice is that the relevant competent authorities should ensure that sufficient information is provided via an ecological impact assessment, in line with industry best practice¹, to enable potential impacts on Protected Areas, European Protected Species, specifically cetaceans and otters, and Priority Marine Features to be evaluated.

¹ <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

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Background

We understand that the Cumbrae Slipway Reconstruction project comprises works onshore and offshore which involve the reconstruction of the existing slipway and the construction of a temporary slipway to maintain the ferry service during construction (which will be demolished following reconstruction of the existing slipway). For the terrestrial elements of the project North Ayrshire Council have concluded that an EIA is not required.

Appraisal of the impacts of the proposal and advice

Development of a type listed in Schedule 2 of the EIA Regulations will require EIA if it is likely to have a significant effect on the environment, by virtue of factors such as its size, nature or location. These requirements are reflected in Schedule 1 of the EIA Marine Works Regulations 2017 ('Matters relevant to consideration of whether or not an Annex II project [schedule 2; the EIA Regulations] is likely to have significant effects on the environment'). These considerations include

- 1) characteristics of project
- 2) location of project
- 3) characteristics of potential impacts.

In line with the EIA Regulations, the proposed development type is listed as an Annex II project – 10 “ (m) 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”

We do not believe the works fully reflect “maintenance” or “reconstruction” of existing infrastructure as there is the construction of the temporary slip way element to the project. The development is therefore likely to meet the criteria.

The proposals are relatively small scale (c.6600m²) and include the infill of areas of adjacent foreshore.

There are no seal haul-out sites in the vicinity of the proposed works. In addition our records do not indicate presence of benthic Priority Marine Features (PMF) within or in proximity to the proposal site. It is our view that, with appropriate mitigation, the development should not impact any statutory protected site such as the nearby Ballochmartin Bay Site of Special Scientific Interest (SSSI) which is located approximately 550m to the south of the proposed works and is the only designated site within 2km of the proposal.

The development will however take place within Firth of Clyde and may affect a number of important protected species (e.g. otters and cetaceans). There will also be residual environmental impacts associated with the construction of built features within the marine environment. This may affect water quality and potentially coastal processes in the area.

Cetaceans & Priority Marine Features (PMFs)

We advise that the following European Protected Species (EPS) and PMF species are all found within the Firth of Clyde and the impact of the development on them needs to be evaluated: harbour porpoise, bottlenose dolphin, common dolphin, minke whale, harbour seal, grey seal and basking shark. Cetaceans are EPS and as such are strictly protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Under these regulations it is an offence to intentionally or recklessly kill, injure, disturb or harass cetaceans. Any activity likely to cause injury or disturbance requires a licence and strict conditions must be satisfied .

Potential pathways that have been identified in the screening report that could impact on cetaceans, and the wider environment include:-

- noise (and vibration) arising from hammer or vibrating the slipway sheet pile walls through the seabed

- dredging activity;
- disposal of dredged material; and
- noise and disturbance arising from construction work.
- disturbance to the water environment through deposition of materials (i.e. changes to coastal processes)
- discharge of wash water and egress of concrete into the marine environment where they could cause smothering and potentially could be toxic to sensitive features;

Marine construction projects, particularly those that generate noise and vibration, may affect marine EPS, specifically cetaceans. As this application progresses it should incorporate measures which aim to minimise and mitigate any impacts upon marine EPS. In particular, pile driving can adversely affect cetaceans by generating noise that may mask communication between animals, disturb natural behaviour and distribution, impair hearing or even, at close proximity, cause injury or death.

If there are likely to be impacts upon marine EPS, even after mitigation is applied, then the applicant should also consider whether an EPS licence will be required.

European Protected Species (EPS) – Otters

Otters are also EPS and both they and their breeding or resting places are strictly protected. Otters occur widely around the Cumbrae coastline and we advise that an otter survey, specific to the proposed works, will be required. If otter could be affected by the proposed works the applicant should be requested to submit a robust species protection plan to the relevant planning authority before the works are authorised to proceed.

Notwithstanding the above, given the location, scale and characteristics (i.e. extent, nature, magnitude, probability, duration, frequency and reversibility of impacts) of proposals, potential impacts are unlikely to have a significant effect on natural heritage interests.

We would however advise that wider environmental protection measures, such as those detailed in supporting screening information provided by the developer be fully implemented. This should include pre-construction checks for protected species as well as any other measures deemed necessary by Marine Scotland to protect the marine environment.

Concluding comments

In conclusion, given the location, scale and characteristics of the proposed development, we are broadly of the view that an EIA is not required.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. I hope these comments are useful, if you would like to discuss them further you can contact me at ian.cornforth@nature.scot

Yours sincerely

[by email]

Ian Cornforth
Operations Officer-West Central Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to: Maureen.Mcintyre2@gov.scot

Licensing and Operations Team
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EH9 1SH

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Our case ID: 300066977
Your ref: SCR-0060

25 July 2023

Dear Maureen McIntyre

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**
SCR-0060 – Caledonian Maritime Assets Ltd (per Jacobs) – Cumbrae Ferry Slipway
Replacement, Great Cumbrae, North Ayrshire
Request for Screening Opinion

Thank you for your consultation which we received on 6 July 2023 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, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes and battlefields on their respective Inventories. In this case, our advice also includes matters relating to marine archaeology beyond the scope of the terrestrial planning system.

North Ayrshire Council's archaeological and conservation advisors will also be able to offer advice for their interests. This may include undesignated archaeological sites, category B- and C-listed buildings and conservation areas.

The Proposal

We understand that the proposed replacement works will involve the reconstruction of the existing slipway and the construction of a temporary slipway to maintain the ferry service during construction, together with associated works including provision of working platforms and dredging. The proposed works will take place partly onshore, partly within foreshore (i.e. between Mean High Water Springs (MHWS) and MLWS), and partly below MLWS.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



Our Screening opinion

We have reviewed the information received and consider the proposals unlikely to have impacts on our historic environment interests of a level that would require consideration through the EIA process.

We are content that there are no terrestrial assets in our remit which would receive direct effects or significant effects to their settings. We note the presence of the wreck of the Catalina flying boat in the surrounding area, however we are content that the proposed works are at a sufficient distance that significant effects to this asset are unlikely.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Adrian Lee who can be contacted by phone on [Redacted] or by email on adrian.lee@hes.scot

Yours sincerely

Historic Environment Scotland

From: [Planning South](#)
To: [Maureen McIntyre](#)
Cc: epanning@north-ayrshire.gov.uk
Subject: RE: SCR- 0060 - Caledonian Maritime Assets Ltd (per Jacobs) – Cumbrae Ferry Slipway Replacement
Date: 13 July 2023 17:00:06
Attachments: [image001.png](#)

OFFICIAL

Dear Maureen

Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Any applications which are purely within the marine environment, including at any stage of EIA falls below our consultation thresholds. We therefore have no comments to make on this application. Please refer to Section 2.2 of our [SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#).

Please consider our standing advice in Section 3 and Table 1 as SEPA's views and consultation response, where relevant. Section 3 of which states "...For all matters covered by the below advice, SEPA has not assessed the application, has no site-specific comments to make and, where relevant, does not consider EIA is required from our perspective."

If there is a significant site-specific issue, not addressed by our guidance or other information provided on our website, with which you would want our advice, then please reconsult us highlighting the issue in question and we will try our best to assist.

Kind regards

Laura

Laura Wilson
Senior Planning Officer
Planning North

Scottish Environment Protection Agency | Graesser House | Dingwall | Highland
t: 01349 860422 e: laura.wilson@sepa.org.uk w: www.sepa.org.uk

My usual working hours are:
Tuesday (pm), Thursday (am) and Friday

Planning guidance: www.sepa.org.uk/environment/land/planning/

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EIA Screening Opinion

REFERENCE:

23/00407/EIA

NAME AND EMAIL ADDRESS OF ENQUIRER:

Ian Pattenden; iain.pattenden@jacobs.com

SITE ADDRESS or LOCATION:

Cumbrae Ferry Slip, Millport, Ayrshire, KA28 0HQ

PROPOSAL:

EIA screening request for Cumbrae slipway reconstruction

EIA REQUIRED:

NO

The written statement of reasons and measures envisaged to avoid or prevent significant adverse effects on the environment is provided overleaf.

WRITTEN STATEMENT

1. With reference to the criteria set out in schedule 3 as are relevant to the development, the following statement provides the main reasons for the planning authority's conclusion as to whether the development is, or is not, EIA development.
2. In cases where the opinion of the planning authority is that the proposed development is not EIA development, any features of the proposed development or proposed measures envisaged to avoid or prevent significant adverse effects on the environment are set out below.

The proposed development does not fall within either Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and therefore it is not considered that EIA is required.

It is understood that part or all of the proposed development may be Permitted Development and not require Planning Permission. Notwithstanding the above, part of the site falls within the Bell Bay to Whitebay Local Nature Conservation Area and the Cumbrae Special landscape Area, and should full Planning Permission be required the following Supporting documents should be provided at a minimum:

- Site Investigation Report
- Phase 1 Ecology Report
- Transport Impact Assessment
- Design and Access Statement
- Landscape and Visual Impact Assessment

Please note that the above screening opinion does not constitute pre-application advice, which should be sought separately.

PLANNING OFFICER:

John Mack

DATE: 22/06/2023