

Appendix One

Consultation Responses

Scottish Environment Protection Agency

David Hutchison

From: Planning South <Planning.South@sepa.org.uk>
Sent: 07 November 2023 14:50
To: MD Marine Licensing
Subject: SEPA Ref: 11021 - SCR-0070

OFFICIAL

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 SCR-0070

EIA Screening Opinion

Loch Ryan Habitat Restoration – Loch Ryan

Dear David Hutchison

Thank you for the above consultation. Based on the information provided this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on our [website](#). In addition, please also refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards,
Jonathan Werritty
Senior Planning Officer

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](#).

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Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:
MD.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300069250
Your ref: SCR-0070
14 November 2023

Dear Marine Scotland

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#) [Loch Ryan Habitat Restoration – Request for Screening Opinion](#)

Thank you for your consultation which we received on 03 November 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, gardens and designed landscapes and battlefields on their respective Inventories and historic marine protected areas. Our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

Our Screening opinion

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

Our advice

There are no cultural heritage assets recorded in the area that will be directly affected by the proposed development and no specific evidence to indicate that there is potential for unidentified remains within the development area. We consider that the works described that are relevant to marine licensing should not result in significant impacts to cultural heritage interests if they are undertaken in the manner outlined in the information supporting the screening request.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Kevin Mooney and they can be contacted by phone on [REDACTED] or by email on [REDACTED].

Yours faithfully

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Dumfries and Galloway Council

Your Ref:

Our Ref: 23/2278/SCR

Date: 4 December 2023

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Any enquiries please contact
Case Officer: ██████████
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Email: ██████████

Request for scoping opinion (Under Environmental Impact Assessment)(Scotland) Regulations 2017

PROPOSAL: **SCREENING OPINION UNDER THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 FOR THE CREATION OF AN INLAND POOL BY MEANS OF EXCAVATION WITH ISLANDS FOR SEA BIRDS TO NEST AS COMPENSATION AS PART OF A HABITATS REGULATIONS ASSESSMENT (LOCH RYAN SEABIRD HABITAT RESTORATION)**

LOCATION: **Site at Corsewall Estate, between Kirkcolm and Loch Ryan, Stranraer**

Dear ██████████

I refer to the above noted development and request for a screening opinion under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, received on 18 October 2023.

The proposed development falls within the table contained within Schedule 2, section 10 of the Regulations as comprising ‘dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1)’ where the extent of the proposed development is greater than 1Ha in area.

The requirement for EIA is dependent on whether or not the Council as Planning Authority considers the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, taking into account the selection criteria in Schedule 3 of the above Regulations (or Annex A of Circular 1/2017) and the available results of any relevant assessment.

Considering the information submitted with your application, and having regard to the selection criteria contained in Schedule 3 of the regulations relating to the characteristics of the development, the location of the development and the characteristics of the potential impact as well as any proposed mitigation measures, it is the view of the Council as planning authority that the proposed development **unlikely** to have significant impacts on the environment and will therefore **not require EIA**.

In accordance with Regulation 7 (2), the reasons for this, taking account of the selection criteria contained in Schedule 3 are as follows:

Characteristics of the Development:

- a) Scale of the development - The development would occupy a proportionate area of ground related to the surrounding environment and would be subservient to other features and uses in existence locally.
- b) Use of natural resources - The development would store water in the context of the intended biodiversity enhancement project.
- c) Production of waste - Extracted/excavated soil would be re-used in related elements of implementation e.g. tracks and otherwise spread on fields to the south up to the Corsewall Burn.
- d) Pollution and nuisances - Excavation/construction vehicles are likely to give rise to operational vehicle noise.
- e) Risk of major accidents and/or disasters which are relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge - As with any construction project, there are potential risks in relation to the use of plant and machinery, movement and placement of construction materials (including earthworks) working at height, accidental spillage of hazardous substances, fires and explosions. Given the nature of the proposed development significant effects on human health are considered unlikely.
- f) Risks to human health – No anticipated harm to human health.

Location of Development:

- a) Existing land use – Land use at the Site consists of agricultural land and broad-leaved wet woodland. According to the James Hutton Institute Land Capability for Agriculture (LCA), the majority of the site is Class 3.1 (land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range). The Site where the inland pool is proposed is currently used as grazing land for cattle and as woodland. Furthermore, it is important to note that a high proportion of the landowner's landholding also falls under Class 3.1, and therefore the loss of 13 ha for the proposed uses is considered to be insignificant in this context. The proposed development is compatible with existing and approved land uses on site. The land use is therefore not considered sensitive in this respect.
- b) Relative abundance, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its surround – The proposed development will use localised materials, where possible, such that it will not be a major user of natural resources within the site area itself and it is not considered likely to affect their relative abundance or availability.

c) Absorption capacity of the natural environment – The site is adjacent to Loch Ryan (saltwater/sea loch). There are no Biodiversity designations within the site boundary, the closest designated site lies approximately 2.3km east and is the Glen App and Galloway Moors which is a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a Biosphere Reserve. The western site boundary aligns with an area included in an Ancient Woodland inventory (Barn Park/Dove Cot Plantations). It is not intended to undertake any felling works within this area of woodland. At the southern end of the site is a core path that runs alongside the Corsewall Burn, out to the access road where it joins Main Street (B738). There are no other recreational assets however it is of note that it is a busy route especially with dog walkers. The entire site is situated within the Rhins Coast Regional Scenic Area. There are no listed buildings within the site. The closest listed building is Corsewall House (LB9922) which is a Category B listed building located approximately 200m from the site boundary. The site is situated within a Non-Inventory Park/Garden area (Corsewall House) and is therefore of local interest in heritage terms. Localised flooding events (0.1 to 10% yearly chance of flooding).

Characteristics of the potential impact:

The likely significant effects of the development as considered above has taken the following into account:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

In summary, following consideration of the proposal against the relevant Schedule 3 criteria, it is considered that an Environmental Impact Assessment is not required in this case

Should you wish to discuss the matter, please contact John Hiscox on the above telephone number.

Yours faithfully,

Steve Rogers

Head of Economy and Development

NatureScot

David Hutchison
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

04 December 2023

Our ref: CEA173070

Dear David

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

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

Loch Ryan Habitat Restoration

Thankyou for your request of NatureScot screening opinion regards the above proposed habitat restoration works for Sandwich Tern. I note the Local Authority has also received the screening request for the terrestrial works within this screening report.

Summary

We agree with the scoping report and the information provided to date that in the main the proposal will not have significant effect on the local environment. It is for the responsible authority to make a formal determination taking account the consultation responses received. We have considered our remit regards protected species; protected areas and their qualifying features including the Glen App and Galloway Moor SPA (Special Protection Area) SSSI (Site of Special Scientific Interest) which is 2.3km away.

Screening Advice

We note to date the applicant has provided relevant information and welcome further communication on the project development of the CEMP Construction Environmental Management Plan. We would agree the EIA screening request as stated in section 1.3 Consideration of EIA Screening Requirements and the relevant schedules highlighted in this section.

The proposed development falls under Section 10 of Schedule 2 as it is considered to be:

“(i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1)”.

This identifies a need to understand the water quality of the inland pool. How will this be achieved, monitored regards water movement and water flow function. The correct water movement is an important aspect for the success of the inland pool.

Other considerations for the CEMP include the best practice and construction timings are well planned regards breeding birds, other thoughts include checking the anti-predator fencing condition and repair if necessary. Overall, the habitat creation looks like it could have positive effects for many other species in the area. Whilst there are obviously no guarantees the sandwich terns will return, the design is taking into consideration the main factors the sandwich terns would need to encourage them back (i.e. the water pools/water flow, the nesting substrate for the islands, the anti-predator fencing, and trying to minimise disturbance from humans). The site also will have increased public interest and appeal for wildlife observation as it establishes.

If you have any questions or queries, please contact me.

Yours sincerely,

Karl Munday

Operations Officer – South Scotland

Email [REDACTED]

Mobile : [REDACTED]