

Appendix One

Consultation Responses

Scottish Environment Protection Agency

David Hutchison

From: Planning South <Planning.South@sepa.org.uk>
Sent: 17 April 2024 11:16
To: MD Marine Licensing
Cc: David Hutchison
Subject: PCS-20001275 SEPA Response to SCR-0082

To Whom It May Concern,

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCR-0082
Montrose Bay Coastal Erosion Project - EIA Screening Report
Montrose Bay, Angus Council**

Thank you for the above consultation. SEPA does not consider EIA is required from our perspective. 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,
Jessica Taylor
Senior Planning Officer



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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk. Togalach Aonghais Mhic a' Ghobhainn, 6 Craobhraid Parklands, Eurocentral, Baile a' Chuilinn, Siorrachd Lannraig a Tuath, ML1 4WQ. Faodar conaltradh còmhla ri SEPA a sgrùdadh no a chlàradh no a sgaoileadh gus obrachadh èifeachdach an t-siostaim a ghlèidheadh agus airson adhbharan laghail eile.

Historic Environment Scotland



By email to:
MD.MarineLicensing@gov.scot

David Hutchison
Marine Licensing Casework Officer
Marine Directorate
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300072622
Your ref: SCR-0082

25 April 2024

Dear David Hutchison

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCR-0082 - Anti-erosion Works at Montrose, Angus
Request for Screening Opinion

Thank you for your consultation which we received on 17 April 2024 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.

The relevant local authority 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. In this case, you should contact Aberdeenshire Council Archaeology Service on:

- Email archaeology@aberdeenshire.gov.uk
- Call 01467 534333.

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 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.



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

Yours sincerely

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Angus Council

David Hutchison

From: Ed Taylor [REDACTED]
Sent: 21 June 2024 12:58
To: CapitalProjects
Cc: David Hutchison
Subject: 24/00233/EIASCR - SCREENING OPINION - MONTROSE COASTAL RESTORATION
Attachments: 2400233EIASCR Montrose Bay.pdf; RE Montrose Coastal Erosion; 24-0023-EIASCR - Dune restoration, Montrose Bay - NS response (A4531992).pdf

Dear Capital Projects

24/00233/EIASCR - SCREENING OPINION - MONTROSE COASTAL RESTORATION

Please see attached Screening Opinion relating to the above project.

The SO indicates that an EIA Report is **not** required. However, any future planning application will require to include a detailed assessment of potential impacts on St Cyrus and Kinnaber SSSI to address the matters detailed in the attached consultation response of NatureScot.

A major planning application for the proposed development will require formal pre application consultation, and submission of a Proposal of Application Notice at least 12 weeks prior to the submission of a planning application. I attach correspondence relating to this process previous shared with Eleanor, FYI.

I have shared a copy of this Screening Opinion with the Marine Directorate.

I hope the above proves helpful and I am happy to discuss any aspect of the above.

Regards

Ed Taylor | Team Leader - Development Standards | Angus Council | [REDACTED] |
www.angus.gov.uk



THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCREENING OPINION

DUNE RESTORATION COMPRISING CONSTRUCTION OF GROYNES, BEACH NOURISHMENT AND FORMATION OF VEHICULAR ACCESS TO BEACH AT MONTROSE BAY

REFERENCE – 24/00233/EIASCR

Angus Council has received a request for a screening opinion for dune restoration including construction of groynes, beach nourishment and formation of vehicular access to beach at Montrose Bay.

The description of project need indicates that since the publication of the Angus SMP2 in 2016, an accelerated rate of erosion has been noted at the proposed development site, leading to an observed significant retreat of the dune frontage, considered in some locations to be in the region of 3 m per year. It is understood that at certain locations along this stretch of coast the erosion has been anecdotally observed as up to 10 m in the last year alone.

The proposed works would involve the topping up of the low-lying area of the beach front and dunes with sand and provision of a sacrificial frontage to the exposed face of the dunes. The aim of these works is to provide a sustainable solution to protect against further erosion and reduce the risk of a flood corridor being created at the site location, around 'The Pipey' at Montrose Bay.

The Screening request submitted by AECOM (April 2024) on behalf of Angus Council provides a description of the development background including details of the Shoreline Management Plan approach the coastal management, a detailed project description, a description of the site and surrounding context and a project summary with recommendations. The screening request provides a summary screening assessment and indicates that the proposed development is not anticipated to result in any adverse significant effects, and a Schedule 3 checklist is enclosed (reproduced at Appendix A).

Description of the proposed development

The information submitted indicates that the development would involve:-

24/00233/EIASCR

- (i) construction of a permanent vehicular beach access at grid reference NO7261657782 (south of the existing sea wall at Traill Drive) to facilitate the dune restoration and beach nourishment;
- (ii) two-phase dune restoration and beach nourishment activities:-

Phase 1: the import and deposit of 50,000 cubic metres of sand for the placement of a sacrificial sand material frontage to help the dune restoration to establish itself. Phase 1 includes partial dune restoration of areas of the coast around 'The Pipey'.

Phase 2: : the import and deposit of 80,000 cubic metres of sand for full dune restoration.

- (iii) The construction of two rock groynes leading from the dune toe towards the waterline in a location between NO7274658211 and NO7281658900. The two groynes will be constructed using existing rock armour material originally installed as dune toe protection along Montrose Beach and they would be located across from the dune toe towards the MLWS. The indicative dimensions for the groynes are 5 m wide and 1.5 m high; and
- (iv) additional sand material deposited along the toe of the dunes as part of the long-term (10 year) strategy to manage the dune erosion. Over 10 years, a maximum of 500,000 m³ of sand material will be deposited above MHWS with up to 200,000 m³ deposited in any one year. In addition, over a 10-year period, a maximum of 300,000 m³ of sand material will be deposited below MHWS, with up to 75,000 m³ deposited within any one year.
- (v) Targeted deposition of sand material in other areas along the toe of the dunes within the wider area (extending from NO7271258206 to NO732076326) would take place to help stabilise the wider extent of the dune network and address any areas of weakness that emerge along the dune system. The location, volume and timing / frequency of such deposits will be dependent on rates of erosion observed following completion of the replenishment works. The extent of sand deposition in the wider area will target the dunes that are eroding most rapidly, without extending into the St Cyrus and Kinnaber Links SSSI to the north of Montrose Bay

For the purposes of this screening assessment, the documentation submitted indicates that it has been assumed that any source materials used will have been recovered from the marine environment and transported by sea to the proposed development site under existing / separately approved marine dredging licence(s). It indicates that it has also been assumed that full physico-chemical and biological characterisation of the material to be deposited will be made available by the supplier and compatibility with the receiving location will already have been confirmed. The screening request indicates that the sand material acquisition does not form part of the project description for which an EIA Screening Request is being sought and therefore no further details are provided on this.

The sand material will be transported to the proposed development site by barge or dredger where it will be unloaded using a pumping system. It is assumed that no anchoring of vessels will take place for the works and that any pumping system used will involve floating pipes that do not drag on the seabed. Depending on the size of the vessel, this could be pumped from as far away as 2 km from the site.

Consultation

Nature Scot, SEPA and Marine Directorate were consulted on the request for a Screening Opinion.

- **Nature Scot** indicate that dune restoration, including beach nourishment and protection of low-lying areas in the dune face in Montrose Bay is proposed within the Angus Council Shoreline Management Plan and supported by the Dynamic Coast Project. They indicate that an application for this proposal will

require analysis of the potential impacts of the proposal on nearby designated sites, and suggest that this information *could* be provided in the form of a targeted environmental report. NatureScot suggest that St. Cyrus NNR and St. Cyrus and Kinnaber Links SSSI lie to the north of the proposed restoration site and are linked to the proposals through a dependence on sediment transport within the Montrose Bay coastal cell. They suggest that the proposed new groynes are designed to partly interrupt sediment transport which could affect the SSSI. They also suggest that a Habitats Regulations Appraisal would be required to consider impacts on the River South Esk SAC, and suggest Rickle Craig – Scurdie Ness SSSI is unlikely to be significantly effected.

- **SEPA** has declined to provide comments on the screening opinion request.
- **Marine Directorate** – informal discussions have taken place with the Marine Directorate, who are also required to provide a screening opinion to cover the aspects of the proposal that fall within their remit (works below MHWS). The Marine Directorate has offered no objection to the draft screening opinion prepared by Angus Council, and has indicated that it agrees that impacts on the development could be adequately assessed without the need for EIA and through normal consenting processes.

Angus Council Screening Opinion

1. EIA development is defined in the EIA Regulations as Schedule 1 development or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
2. The proposal does not fall within Schedule 1 of the Town and Country Planning (EIA) (Scotland) Regulations 2017 where EIA is mandatory. The proposal falls within Schedule 2 - 10 *Infrastructure Projects (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.*
3. Angus Council has taken into account the selection criteria, all of the information submitted in respect of the request for a screening opinion as well as the views of consultees and adopt the opinion that **the proposed development does not constitute EIA development** and any subsequent application for planning permission does not require to be accompanied by a full Environmental Impact Assessment Report.
4. NatureScot's consultation response to the screening consultation is attached to this letter (Appendix B). In accordance with Regulation 7(2), this screening opinion is accompanied by the following written statement with reference to the selection criteria within Schedule 3 of the EIA Regulations as are relevant to the proposed development.

A copy of the screening opinion has been issued to the applicant, Marine Directorate and a copy added to the planning register.

Written Statement

Characteristics of the Proposed Development

The proposed works relate to the deposition of sand onto the beach and dune area, the use of rock armour to create two groynes from the dune toe towards the low water mark, and the formation of a new beach access west of the Seafront Splash area. The main dune restoration works would cover an area of around 3ha and the nature and scale of the proposed works would be in keeping with the existing environment; and the rock armour would largely involve the relocation of existing armour already located on the beach.

The proposal would require the use of sand, and the long-term dune management and beach nourishment will deposit up to 500,000 m³ above MHWS and 300,000 m³ below MHWS over a ten-year period. Sand is widely available and it is understood that the sand used for the project would be supplied from already licenced dredged materials. Only sand material that can be demonstrated to be of appropriate physico-chemical and biological characteristics will be used for beach nourishment.

Noise and vibration will primarily take place during the construction phases of the proposed development (dune restoration and beach nourishment, construction of the vehicular access and groynes, long term management strategy), which will be periodic and short lived.

It is possible that activities to pump dredged material from the vessels to the beach could be a 24/7 operation (as this activity will be dependent on tidal state), meaning that lighting could be used in hours of darkness, along with noise being generated. Light and noise generating activity will be limited to the period of dune restoration and beach nourishment only, meaning that these impacts would be temporary. The nearest noise receptors are users of Montrose Beach, Montrose Golf Links and the public amenities in proximity to the proposed location for the vehicular access track. Residential properties exist approximately 340 m from the proposed development.

Location of the Proposed Development

The proposed development area predominantly encompasses Montrose Beach which is publicly accessible area of open space serving the town. The restoration area encompasses a well used beach access. The development area extends west to encompass part of Montrose Golf Links between the 2nd green and past the fourth tee. The Golf Links provides a buffer between the location of the proposed works and the nearest residential receptors (around 400m from the location of the proposed nourishment works).

There are no areas protected for their landscape or cultural heritage value within the proposed development, with the exception of nine sites and monuments records entries (unscheduled archaeology). That archaeology relates the historic military defence remnants including anti tank blocks and a findspot for cannonballs, and shipwrecks etc. There are numerous cultural heritage features within 5km of the development, but they would not be directly affected by works.

There are no natural heritage designations within the site. The following natural heritage designations are located within 5km of the development:

- 450m north: St Cyrus and Kinnaber Links SSSI
- 1.1km southeast: Rickle Craig – Scurdie Ness SSSI
- 850m west: area of ancient woodland (of plantation origin)
- 1.5km west: Montrose Basin SPA, Ramsar site, SSSI, Local Nature Reserve
- 2km north: St Cyrus National Nature Reserve (part of St Cyrus and Kinnaber Links SSSI)

St Cyrus and Kinnaber Links SSSI - the dune systems of St Cyrus are highly dynamic, due in part to the influence of the changing course of the River North Esk combined with coastal erosional and depositional processes. The objectives for management of the site includes maintenance of the active coastal landforms which are dependent upon the processes of sand deposition and erosion by wind, waves and currents. The beach-dune system will evolve naturally in response to these changes, but can have impacts on dune habitats and saltmarsh.

The proposed development is located within a coastal and marine environment. However, the purpose of the proposed development is dune restoration and beach nourishment which will allow natural processes to continue unhindered, while protecting inland areas from coastal water intrusion.

Characteristics of the Potential Impact

The spatial extent of likely impacts is contained with the nature and scale of the proposed development, and the dune restoration seeks to mimic natural processes. The proposed beach access would be formed in an area which is already subject to man made coastal defence and the access would not introduce hard infrastructure where there is currently none.

There is no direct loss of designated natural habitat as a result of the nourishment and restoration works, and potential impacts on coastal processes/sand movement associated with the installation of groynes could be assessed and mitigated through the normal planning process.

The project is identified in Angus Council's Shoreline Management Plan 2 in the Montrose Golf Links Management Unit, which indicates that in the short, medium and long term, beach recharge, potentially using dredged material..... may help maintain beach levels and standards of protection along the frontage. The short term (20 years) to long term (50-100 years) plan for the frontage north of Montrose Golf Links is to allow natural processes to continue unhindered, where the naturally evolving dune and beach system will continue to provide the natural coastal defence. Along the Montrose Golf Links frontage the plan is to manage erosion of the dunes through a managed realignment policy to maintain the integrity of the dunes as a natural defence while maintaining protection to the majority of the golf course into the long term. **Assuming material is suitable and available, there is an opportunity for beneficial use of River South Esk dredged sediment as recharge material along this frontage to help slow erosion.**

The proposed development assessed in this screening opinion is unlikely to provide any significant contribution in terms of cumulative impact. There would be temporary impacts associated with the construction phase of the proposed development including associated noise and traffic. Mitigation could be put in place in terms of working hours in agreement with Angus Council.

The duration of works is anticipated to be relatively short term limiting the significance of impacts on residential receptors in the adjacent built up area. The proposed development is considered unlikely to have a significant adverse impact on cultural or natural heritage assets. The detailed assessment of impacts on natural heritage could be appropriately considered through normal consenting processes, and any application for consent would be subject to consultation with government bodies with responsibility for natural heritage. The planning process provides an opportunity to consider and appropriately mitigate environmental impacts associated with the proposed works. There are unlikely to be significant effects on human health, production of waste or pollution.

Angus Council therefore conclude that the effects of the proposed development are not likely to be significant and that an Environmental Impact Assessment Report is not required for the proposal.

Proposed Mitigation Measures to Avoid or Prevent Significant Adverse Effects:

- The proposed development will ensure that an appropriate level of physico-chemical and biological characterisation of the material to be deposited will be made available by the supplier and compatibility with the receiving location will be confirmed, prior to any deposit made.
- All relevant marine licencing conditions separately applied to the activity of dredging materials will have been complied with prior to acceptance of any sediment for deposit at the proposed development site.
- A waste management licence or exemption will be secured from SEPA as required for the material deposition at the proposed development site.
- An appropriate Construction Environmental Management Plan (CEMP) (terrestrial and marine) will be developed and implemented for all activities, if required.
- Best practice vessel management procedures, in compliance with the International Convention for the Prevention of Pollution from Ships (MARPOL) and other relevant requirements for marine operations will be developed and implemented for all activities undertaken below MHWS.
- Notice to Mariners will be issued as appropriate to ensure safety of navigation and deconfliction of activities with other sea users at all times.

Conclusion

Consideration has been given to the type of development proposed; its nature, scale, location and potential impact on the environment. Features of the proposed development or measures envisaged to avoid or prevent significant adverse effects on the environment have also been considered.

Account has been taken of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017; Planning Circular 1/2017: Environmental Impact Assessment Regulations 2017; Planning Advice Note 1/2013: Environmental Impact Assessment; and the content of the information contained in the applicant's screening opinion request and the consultation response(s) provided.

On the basis of available information, Angus Council is satisfied that impacts associated with the development are unlikely to have significant effects on the environment. Potential impacts on the environment can appropriately be identified by assessments that can be required in support of a planning application, and any such impacts could, where necessary and appropriate, be mitigated by matters that can be controlled by planning conditions.

Angus Council is of the opinion that the proposal does not constitute Environmental Impact Assessment development.

Note: The determination the proposal is not EIA development does not mean that environmental impacts are otherwise considered acceptable and the acceptability will be determined through any related planning application.

21 June 2024

NatureScot

David Hutchison
Licensing Operations Team
Marine Directorate
{By email: [REDACTED]}

02 May 2024

Our ref: CEA175095

Dear David

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017. SCR-0082 – ANGUS COUNCIL – ANTI-EROSION WORKS – MONTROSE, ANGUS

Thank you for consulting NatureScot on the above EIA screening request.

Dune restoration, including beach nourishment and protection of low-lying areas in the dune face in Montrose Bay is proposed within the Angus Council Shoreline Management Plan and supported by the Dynamic Coast Project.

NatureScot supports the use of beach nourishment and dune restoration at Montrose using material sourced under existing marine licences for dredging, as proposed in the screening report.

We advise that an application for this proposal will require analysis of the potential impacts of the proposal on nearby designated sites. Should Marine Directorate determine that an EIA is not required, we consider that this information could be provided in the form of a targeted environmental report.

St. Cyrus NNR and St. Cyrus and Kinnaber Links SSSI lie to the north of the proposed restoration site and are linked to the proposals through a dependence on sediment transport within the Montrose Bay coastal cell. In particular, because the proposal includes new groynes designed to partly interrupt sediment transport, we identify a likely significant effect on the SSSI in EIA screening terms.

We agree there is unlikely to be a significant effect on Rickle Craig – Scurdie Ness SSSI.

There should be consideration in the form of a Habitats Regulations Appraisal of any potential impacts on European sites. Atlantic salmon from the River South Esk SAC and other major east coast salmon river SACs may pass near the area, as may bottlenose dolphins from the Moray Firth SAC which are known to occur in the vicinity.

We consider the works are unlikely to have a significant effect, in HRA terms, on the Montrose Basin SPA and Ramsar site.

We would be happy to discuss this with you and provide further advice if that would be helpful.

Yours sincerely,

Fiona Mutch

Operations Officer / North

