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[Redacted]

EnviroCentre Ltd  
Craighall Business Park  
8 Eagle Street  
Glasgow  
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Date: 26 September 2018

Dear [Redacted] ,

**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 removal and construction of a new quay wall, removal and replacement of an existing linkspan and associated supporting structures at Ardrossan Harbour received on 15 August 2018.

In considering your screening opinion request, the Scottish Ministers have consulted with Scottish Natural Heritage (“SNH”) as to their view on whether the proposed works are an Environmental Impact Assessment (“EIA”) project. A copy of SNH’s response is enclosed for your review (Appendix I).

The Scottish Ministers consider the 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 for sea defence works, as described in column 2 of schedule 2 of the 2017 MW Regulations, is “all works”, thus the proposed works exceeds this threshold.

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 (Appendix II) as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

**1. Characteristics of the works**

In regard to the size of the proposed works the area does not exceed 1 hectare and is restricted to the existing footprint of the harbour. The works are expected to be predominantly land based in order to avoid impacts on the marine environment.

Sheet piling is proposed to be undertaken with no impact piling.

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.

## **2. Location of the works**

The location of the proposed works is within a developed harbour environment and is unlikely to be capable of altering the coast. The distance between the works and the Ardrossan to Saltcoats Site of Special Scientific Interest (“SSSI”) is approximately 700m and the distance between the RSPB Horse Island nature reserve is approximately 1000m.

SNH has advised that the proposed works are unlikely to have significant effects on these sites. However, SNH has recommended consideration should be given to the timing of the works to avoid disturbance of nesting birds and destruction of nests.

The construction works encompass sheet piling however, no concerns were identified by SNH with regards to underwater noise and cetaceans.

Based on the information provided and the advice received, the Scottish Ministers do not have any significant concerns regarding the environmental sensitivity of the geographical areas likely to be affected by the proposed works.

## **3. Characteristics of the potential impact**

In view of the findings in sections 1 and 2 above, the Scottish Ministers are content that the proposed harbour construction works are unlikely to significantly affect the environment and that any potential impacts can be effectively addressed and mitigated by the marine licence application and determination process.

The Scottish Ministers are therefore of the opinion that the proposed works are not an EIA project under the 2017 MW Regulations and 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 to confirm the screening opinion is still valid.

A copy of the screening opinion has been forwarded to North Ayrshire Council planning department for their information. The screening opinion has been made publicly available through the Marine Scotland Information webpage: <http://marine.gov.scot/marine-projects>.

Thank you for consulting with us on this matter.

Yours sincerely,

[Redacted]

Licensing Operations Team  
Marine Scotland

**Appendix I Consultation Responses**

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**From:** MS Marine Licensing  
**Sent:** 19 September 2018 08:36  
**To:** [Redacted]  
**Subject:** FW: Ardrossan Harbour Company Limited (per EnviroCentre) - Ardrossan Harbour - Consultation on Request for Screening Opinion

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**From:** [Redacted] @nature.scot>  
**Sent:** 18 September 2018 16:25  
**To:** MS Marine Licensing <MS.MarineLicensing@gov.scot>  
**Subject:** Ardrossan Harbour Company Limited (per EnviroCentre) - Ardrossan Harbour - Consultation on Request for Screening Opinion

Dear [Redacted]

Thank you for consulting SNH over the above screening opinion.

I can confirm that I have reviewed the submitted screening reports and that in this case we are content with the approach to environmental assessment which is being recommended. I hope that the following comments are helpful.

The proposals will not have a damaging impact on the Saltcoats to Ardrossan Coastal Section SSSI.

The proposals are unlikely to have an impact on the Horse Island bird reserve.

In terms of the assessment of the range of environmental impacts caused by the project, the submitted report does not fully clarify the situation re the disposal of the dredged materials. It is most likely that they would go to a licenced disposal site however, they could also be brought onshore for disposal along with the terrestrial excavations.

Although the site of the proposed works is fully man made and in regular use, it is used by nesting birds. Rock Pipits nest on the rock armour around the existing link span and black guillemot nest in the harbour wall to the west of the existing link span. The applicants should give consideration to planning the timing of the works to avoid disturbance and destruction of nests.

If you would like to discuss this response in further detail, please do not hesitate to get in touch.

Yours sincerely

[Redacted]

[Redacted] | **Operations Area Officer**

Scottish Natural Heritage | 31 Miller Road | Ayr | KA7 2AX | t: [Redacted]  
[nature.scot](http://nature.scot) – Connecting People and Nature in Scotland - [@nature\\_scot](https://twitter.com/nature_scot)

**Appendix II** The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Schedule 3 - Selection Criteria for Screening Schedule 2 Works

## Characteristics of works

1. The characteristics of works must be considered having regard, in particular, to—

- (a) the size and design of the works;
- (b) cumulation with other existing works and/or approved works;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

## Location of works

2. The environmental sensitivity of geographical areas likely to be affected by works must be considered having regard, in particular, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
  - (i) wetlands, riparian areas, river mouths;
  - (ii) coastal zones and the marine environment;
  - (iii) mountain and forest areas;
  - (iv) nature reserves and parks;
  - (v) European sites and other areas classified or protected under national legislation;
  - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
  - (vii) densely populated areas;
  - (viii) landscapes and sites of historical, cultural or archaeological significance.

## Characteristics of the potential impact

3. The likely significant effects of the works on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the works on the factors specified in regulation 5(3), taking 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 works;
- (h) the possibility of effectively reducing the impact.