

Cornelius Pelka
BEAR Scotland
BEAR House, Inveralmond Road
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Date: 06 November 2020

Dear Mr. Pelka,

SCREENING OPINION UNDER OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

Thank you for your screening opinion request dated 07 October 2020, including advice you have received from NatureScot (formerly Scottish Natural Heritage) and the Scottish Environment Protection Agency (“SEPA”), in regards to the proposed seawall construction and repair including the creation of a benched armour stone revetment and an armour stone revetment with modular block retaining wall, along the A82 Achintore Road near Fort William, Highlands (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of Schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”) with the extent of the Proposed Works exceeding the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of works

The Proposed Works involve the repair and construction of seawall armour along the A82 Achintore Road. Previous to this proposal, Storm Brendan caused seawall failure spanning 860 metres (“m”) in length in January 2020. Emergency works were undertaken, as an interim measure to place collapsed material to stabilise the existing barrier on the A82 Trunk Road. This was completed under an Exemption from Marine Scotland under provision 21 (1)(c) of The Marine Licensing (Exempt Activities) (Scottish Inshore Region) Order 2011.

The Proposed Works are to repair the current seawall and improve the coastal defences with new benched armour stone revetment for areas that do not extend below Mean High Water

Springs ("MHWS") (Option 1), and new armour stone revetment with modular block retaining wall for areas extending below MHWS ("Option 2").

Option 2 works include backfilling the embankment with 6I/J fill material ("Type 1") and the installation of a 0.8m x 3.1m x 15m concrete foundation. Concrete modular blocks varying in height from two to six blocks will be installed. Approximately 5,350 tonnes ("t") of backfill Type 1 material is required between the existing carriageway and the concrete modular blocks and placement of approximately 250t of rock armour (1-1.5m diameter boulders) will also be required. Additionally, the footpath will be reconstructed and the existing Vehicle Restraint System ("VRS") replaced. Option 2 works will extend to a maximum area of 75m² below MHWS.

The Proposed Works are intended to commence in January 2021 with limited working hours from 07:00 to 19:00 on weekdays. There is anticipated to be no dust emission risk related to the stockpiling of materials as the backfill material and rock armour will be delivered by road on a 'as required basis' and the working area is comprised of rocky shoreline consisting primarily of pebbles and boulders with minimal organic soil. The works are expected to take no longer than 12 months to complete.

Maintenance works are expected to include minor concrete structural repairs and resurfacing of the reconstructed footpath.

Location of works

The Proposed Works are situated within the outskirts of Fort William and will be limited to the A82 shoreline and are not within any sensitive areas as defined by the 2017 MW Regulations. The works are in close proximity to a number of Special Sites of Scientific Interests, Special Protected Areas, Special Areas of Conservation and Marine Protected areas (as identified in the Record for Determination document 04 September 2020 as part of the supporting documentation for the screening request). The closest designated marine site is 28.4 kilometre south-west of the Proposed Works.

The Proposed Works are within 300m of multiple cultural heritage features including Drumarbin and the Fort William to Glencoe Military Road listed in Appendix B of the Record for Determination document 04 September 2020.

Characteristics of the potential impact

NatureScot advised that as the Proposed Works are not to be completed within any designated sites and confirmed that any impacts on natural heritage interests would be very limited.

The applicant completed an ecological survey in February 2020 of the development site and several signs of otter activity were identified within the footprint of the Proposed Works. Potential otter couches were identified which do require destruction to facilitate the construction of the new rock armour revetment. The applicant intends to apply for an appropriate licence to allow the destruction of the couches and an otter protection plan will be developed as part of the Construction Environmental Management Plan. NatureScot advised that they were satisfied with this assessment on impacts to otters and the licencing procedure will manage these impacts described.

SEPA did not raise any concerns and advised that it had no comment to make.

The Scottish Ministers are content that based on the information provided the Proposed Works are not likely to have a significant impact on the environment.

A protocol for archaeological discoveries will be implemented as part of the Site Environment Management Plan ("SEMP"). The Scottish Ministers are content that with the mitigation outlined in the protocol for archaeological discoveries, that there would be no significant impacts on the cultural heritage receptors.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under 2017 MW Regulations and, therefore, an 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 again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department. The screening opinion has also been made publicly available through the [Marine Scotland Information](#) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Jack Versiani Holt
Licensing Operations Team
Marine Scotland