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Date: **15 July 2021**

Dear Mr Dyche,

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

Thank you for your screening opinion request dated 06 May 2021 in regards to the proposed demolition of the old pier and ancilliary structures, the construction of a rock armour revetment and capital dredging of the seabed at Brodick Pier, Isle of Arran (“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 Proposed Works meeting 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.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), North Ayrshire Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

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 as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

Caledonian Maritime Assets Limited (“CMAL”) recently constructed a new ferry terminal at Brodick in the Isle of Arran and is now proposing to demolish the old pier and ancillary structures that are no longer required.

The Proposed Works involve the demolition of the pier structure, mooring dolphins, scour blankets and concrete already placed on the sea bed. In addition to the demolition, the Proposed Works will also involve the construction of a rock armour revetment to fill in the gap created by removal of the pier along the retaining wall. The total area of structures to be demolished is approximately 1,350 square metres (“m²”) within a site boundary of approximately 18,800m² (Figure 1). The works are expected to take six months to complete.

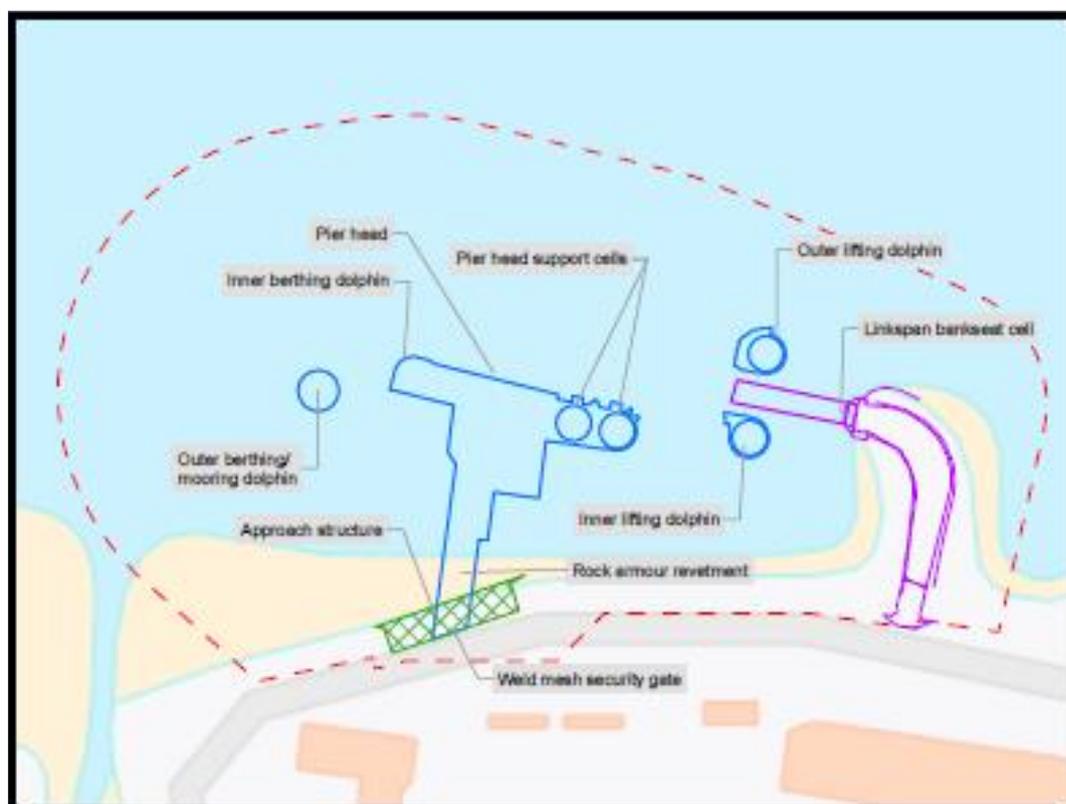


Figure 1: The structures to be removed are shown in blue and the area of construction of the rock armour revetment is shown in green. The linkspan bankseat shown in purple will be retained.

The new rock armour revetment will be consistent with the existing retaining wall and will consist of approximately 1,800 tonnes of boulders. This will either be transported to site via barge or by heavy goods vehicles over land.

The Proposed Works also involve dredging 340 cubic metres (“m³”) of seabed to allow for the placement of the rock armour revetment. It is proposed that this material will be deposited above mean high water springs.

The Scottish Ministers are content that the size and design of the Proposed Works are unlikely to have significant effects on the environment.

Location of the works

The Proposed Works are located on the east coast of the Isle of Arran and are outwith any designated area. The closest site is the South Arran Marine Protected Area (“MPA”), located 1.8km south-east of the Proposed Works. This is designated for a number of benthic features however these are distant enough from the works as to not be affected.

The screening opinion request submitted by the applicant identifies that protected species including otters and black guillemots have been recorded within [Redacted] of the location of the Proposed Works and could be subject to disturbance. In 2014 a survey for the development of the new pier recorded ten pairs of black guillemots and five possible nesting sites within 300m of the pier. Follow up surveys suggest that use of the site by this species has decreased since then and a survey conducted by Jacobs UK in 2020 did not observe any black guillemots present at the Proposed Works location. The applicant proposes to undertake the proposed works outwith the bird breeding season (April to September inclusive) as mitigation for any birds which are still using the site.

[Redacted] During construction of the new pier, a European Protected Species (“EPS”) licence for disturbance was in place for the works and NatureScot confirmed in it’s consultation response that this would also be required for the demolition works.

NatureScot raised concerns that much of the ecological data used to inform the screening opinion request was from the 2014 surveys and that species may have colonised the area in the intervening period. On this basis, NatureScot advised that the Proposed Works should be subject to the requirements of the EIA Regulations. However, the Scottish Ministers are satisfied that further walkover surveys carried out in 2020 did not identify any changes to the baseline conditions and appropriate mitigation measures have been identified for those species previously identified. Any further surveys and mitigation measures can be undertaken as part of the marine licensing process and the Scottish Ministers advise the applicant to liaise with NatureScot regarding requirements for these in advance of submitting any marine licence application.

The screening opinion request also identifies that marine mammals in the vicinity of the Proposed Works could potentially be disturbed by any underwater noise producing activities including concrete breaking, pile cutting and dredging. However, the Proposed Works will be undertaken outwith the sensitive period for these species and as such, providing the Joint Nature Conservation Committee guidelines are applied, the screening opinion request concluded that any residual impacts will not have a significant adverse effect on the environment.

HES advised that the Proposed Works are unlikely to have any significant adverse impacts on heritage assets within its remit.

Characteristics of the potential impact

The Scottish Ministers are content that the mitigation proposed in the screening opinion request, including the undertaking of the Proposed Works outwith the bird breeding season, is sufficient to ensure that there will be no significant adverse effect on ecological receptors from the Proposed Work and that any remaining concerns can be addressed through the marine licensing process and EPS licensing process for otters.

SEPA also advised that it is content that any issues within its remit can be dealt with through the marine licensing process and advised that an EIA is not required.

North Ayrshire Council confirmed that it is in agreement with the conclusions of the screening opinion request that a full EIA is not required.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 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 North Ayrshire Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website at [Screening Request – Pier Demolition – Brodick Pier, Arran | Marine Scotland Information](#).

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

Yours sincerely

Mark McCormack

Marine Scotland - Licensing Operations Team