

Appendix to paragraph 12

Correspondence following pre-application consultation

Redacted

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**From:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Sent:** 11 February 2019 10:15  
**To:** Redacted  
**Subject:** RE: Marshalling area, St Margaret's Hope Pier, Orkney

Dear Redacted

Thank you for your email and telephone message. As our concerns related to the use of tyres we can confirm we would not require a new EIAR if crushed stone is to be used in place of the tyres. As this is the main issue for us for all other matters we would defer to the advice in our standing advice (<https://www.sepa.org.uk/media/143312/lupsgu13.pdf>).

We trust this information is of assistance to you.

Regards,

Redacted

Senior Planning Officer  
Planning Service, SEPA, Inverdee House, Baxter Street Torry Aberdeen, AB11 9QA  
Redacted

For our planning guidance please visit [www.sepa.org.uk/environment-and/planning](http://www.sepa.org.uk/environment-and/planning)

Redacted

**From**  
**Sent:** 02 February 2019 15:41  
**To:** Redacted  
**Subject:** Marshalling area, St Margaret's Hope Pier, Orkney

Good morning Redacted

Due to the lengthy period required for the licensing of the above proposed works, the owner of the baled tyres could not store them any longer and consequently, I believe, they have all been exported for incineration and are no longer available as a construction material for use in the extension to the marshalling area.

The EIAR is obviously no longer relevant.

I have written to Marine Scotland explaining the situation and have asked if an alteration to the application whereby the tyres would be replaced by crushed stone would suffice or if a completely new application would be required.

I trust that by removing the tyres from the proposed construction you will not require a new EIAR.

I am writing this with a view to speeding up the licensing process. As you will appreciate with the new ferry due to be launched later this month and following sea trials should be on site by about Easter, we are extremely anxious to start the construction work.

I look forward to hearing from you.

Kindest regards

Redacted

**To:**  
**Cc:**  
**Subject:**

Redacted

MS.MarineLicensing@gov.scot  
Extension to Marshalling area - St Margaret's Hope Pier, Orkney

Good morning, Redacted

As it is now over 12 months since the start of the pre-application consultation period, the owner of the baled tyres which were to be used in the construction could not store them any longer and I believe that they have all been exported for incineration and consequently are no longer available for construction purposes.

The design for the marshalling area will now have to be revised with stone fill replacing the baled tyres.

I should be pleased if you would let me know if an alteration to the application will be sufficient or whether a new application will be required.

The EIAR is obviously no longer relevant as it was written entirely for the benefit of SEPA who had concerns regarding the possibility of leachate from the tyres reaching the marine environment. I trust that a new EIAR will not be required. I have also written to SEPA explaining the position with the hope that this will speed up whatever process is required.

It has been suggested by Pentland Ferries that some maintenance dredging within the harbour area would be beneficial and if possible the dredged material could be used as part of the fill material for the construction.

Could you please let me know if this can be done without a lengthy period of consultation and licensing. As you will appreciate, with the new ferry due to be launched later this month and hopefully arriving on site by about Easter, we are extremely anxious to start with construction at the earliest possible date.

Kindest regards

Redacted

Redacted

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**From:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Sent:** 09 January 2019 15:31  
**To:** Redacted  
**Cc:** Redacted  
**Subject:** RE: PCS-162597 Extension to existing marshalling area for ferry traffic St Margaret's Hope Pier, Orkney

Thank you for your email. We don't have any further advice on the design to that already discussed with you and will await formal consultation from Marine Scotland on the submitted EIAR.

Regards,  
Redacted

Senior Planning Officer  
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA  
Redacted

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**From:** Redacted  
**Sent:** 09 January 2019 15:16  
**To:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Cc:** Redacted  
**Subject:** RE: PCS-162597 Extension to existing marshalling area for ferry traffic St Margaret's Hope Pier, Orkney

Dear Redacted

Thank you for your e-mail containing information from your further internal specialist pointing out that red-lists etc had been revised.

This would not have made any difference to the structural design of the extension to the marshalling area, however should your specialist have any suggestions regarding alterations to the design which may be required, I will be very pleased to receive them.

The final EIAR together with a revised application for the marine works was posted to Marine Scotland on 7<sup>th</sup> January 2019.

Kindest regards

Redacted

**From:** Planning Aberdeen [<mailto:planningaberdeen@sepa.org.uk>]  
**Sent:** 08 January 2019 13:41  
**To:** Redacted  
**Cc:** Redacted  
**Subject:** PCS-162597 Extension to existing marshalling area for ferry traffic St Margaret's Hope Pier, Orkney

Redacted  
Dear

In Section 1.6 of our letter to you of 20 December 2018 (our reference PCS/162597) we mentioned we had passed the draft EIAR to a further internal specialist and were awaiting comments back. I have now been passed the below advice and am forwarding this on for your information.

Redacted

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**Cc:** Redacted Redacted  
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### Further advice for the applicant

#### Tyre constituents of possible concern (Appendix 1)

Of the constituents listed the following would be of most relevance in terms of potential environmental impact.

Copper (as part of alloy) 0.02% by weight  
Zinc oxide (in rubber matrix) 1% by weight  
Cadmium (impurities in zinc oxide) 0.001% by weight

Lead (ditto) 0.005% by weight  
Organohalogen compounds (butyl rubber matrix) 0.1% by weight

All four metals can cause toxicity in aquatic organisms. Environmental Quality Standards (EQS) are given below. However it really comes down to the rate at which the metal ions leach from the tyre. As the later appendix says, this is likely to decrease with time and is very unlikely to be high. The organohalogen compounds might also be a potential issue for similar reasons, but given their low concentration and lack of specific chemical identities our specialist had no further advice on this. Tyres also have some level of PAH but those are not considered here. That may be because they looked at “virgin” tyres, not used, however it is not clear if this was the case or not. Carbon black itself includes both a micro and nanosize fraction, the latter having different potential issues in the environment.

The appendix also refers to acute toxicity tests (ie short term tests for mortality) on powdered tyre crumb showing no toxicity (algae, daphnia, fish and earthworms). It is likely in these tests that an insignificant amount of the trace metals leached into the test water (or soil pore water in the case of the earthworms) such that exposure would have been very low, and so no effects observed. The “worst case” leachate information in the submission’s later appendix shows that you can generate a leachate that does have effects.

#### EQS values (appendix 2)

This is very out of date. These lists and UK red list have long been superseded. In the context of Water Framework Directive, which is most relevant current legislation for TraC waters, most recent EQS values (set in Scots law in the Scottish Directions 2014, attached) for the relevant substances cited above these are, for marine waters:

Cadmium compounds 0.2ug/l

Zinc 7.9ug/l

Lead 7.2ug/l

Copper: 3.76ug/l (for waters with DOC <1mg/l); for waters with DOC >1mg/l,  $3.76 + (2.677 \times ((\text{DOC}/2) - 0.5))$  – basically DOC mitigates copper toxicity in saline waters so these corrections are used to approximate its changing toxicity profile with DOC.

All of these values are protective of long term toxicity in aquatic organisms, most relevant for this type of development should it fail (as opposed to short term toxicity that is protective of intermittent pollution pulses), and refer to dissolved concentrations (not total metal).

We suggest you consider these metal ions too and revise the Cd estimate, all with realistic estimated leaching rates (not the 100% instantaneous leaching) using these EQS. The later appendix might help with relative rates of leaching that are realistic.

#### In Summary

The trace metals in the tyres may leach into any water in contact with them, although leach rates are likely to be low. Our cause for concern is the possible situation whereby water enters the “sealed” concrete box and is allowed to remain in contact with the tyres for a longer period of time (say months), and that this water, which could potentially contain not insignificant concentrations of metals, is released into the water environment in a concentrated way through, for example, an undetected sudden failure in the concrete wall such that concentrations in the vicinity of the harbour could be significant for days/weeks/months.

Redacted

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**Cc:** Redacted  
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**Attachments:** 2014 Scottish directions.pdf

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Copper: 3.76ug/l (for waters with DOC <1mg/l); for waters with DOC >1mg/l,  $3.76 + (2.677 \times ((\text{DOC}/2) - 0.5))$  –

basically DOC mitigates copper toxicity in saline waters so these corrections are used to approximate its changing toxicity profile with DOC.

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)



**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire. IV14 9AZ**  
Redacted

3 January 2019

Redacted

Marine Licensing Casework Manager  
Marine Planning & Policy  
375 Victoria Road  
Aberdeen, AB11 9DB

Redacted  
Dear

**Extension to Marshalling Area. St Margaret's Hope Pier, Orkney**  
**Environmental Impact Assessment (Scotland) Regulations 2017 (as amended) - Scoping.**

The scoping for the above EIAR is based on the responses from the Statutory Consultees following the pre-application consultation.

In this case all of the Statutory Consultees were happy with the proposals apart from SEPA (see my report on pre-application consultation dated 6<sup>th</sup> June 2018).

Following several letters regarding SEPA's concerns and a meeting which I had with SEPA in Baxter House on 30<sup>th</sup> October 2018, it was agreed that:

EIA

SEPA confirmed that with respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required. However, this could be a very short, focused EIA. SEPA confirmed that it would expect the EIA Report (EIAR) to be concise, addressing only those issues that have the potential to have a significant effect – in this case, from SEPA's perspective, only the use of tyres and alternative options. Insofar as our remit is concerned, we agree all other issues can be scoped out. The EIAR should contain an overview of the likely effects only.

(E-mail from SEPA dated 5<sup>th</sup> November 2018, being a note of the meeting dated 30<sup>th</sup> October 2018)

SEPA also agreed at the meeting that they would be happy to look at any draft documents prior to submission.

On 27<sup>th</sup> November 2018 a draft copy of the EIAR was sent to Marine Scotland and to SEPA for their comments. On 20<sup>th</sup> December 2018 their comments were received and the EIAR was amended to take into account these comments.

### Scoping

Based on the above, the scope of the EIAR as submitted is:

A very short focused EIAR to be concise regarding only the use of baled tyres and alternative options together with the possible long-term effects taking into account possible long-term degradation of the structure and its refurbishment and its possible future removal from site.

The following items usually included in an EIAR for which the Statutory Consultees are satisfied with the proposals have been scoped out of the report:

Land use.

Landscape and Visual Intrusion.

Ecology – flora and fauna

Marine Environment

Freshwater quality and drainage

Archaeology and Cultural Heritage

Traffic and Management

Noise and Vibration

Air Quality

Socio-economic Effects

Long-term operational impacts

Kindest regards

Redacted

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**Summerhill**  
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## **Report on Public Meeting 7<sup>th</sup> May 2018**

A public meeting was held in the Marengo Centre, St Margaret's Hop on 7<sup>th</sup> May 2018 where the proposed extension to the marshalling area at St Margaret's Hope Pier would be discussed, and if necessary a site visit would be conducted.

No-one turned up.

We were disappointed that SEPA did not send a representative as most of the concern regarding construction materials was within the remit of SEPA.

We were disappointed that OIC Planning did not send a representative as we wished to discuss the layout and positioning of the future proposed booking office.

We did not expect a representative from OIC Harbours as they have no responsibility for marine activity within St Margaret's Hope Bay.

We did not expect a representative from any of the statutory bodies outwith Orkney due to the problems of travel.

We did not expect a representative from SNH or the St Margaret's Hope Pier Trustees as both bodies appear happy with the proposals.

Local boat owners are virtually all Trustees and as such we were not surprised that none turned up.

No member of the public turned up. This would indicate that no individual had any concern regarding the proposals.

**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire, IV14 9AZ**  
Redacted

3 January 2019

Redacted

Marine Licensing Casework Manager  
Marine Planning & Policy  
375 Victoria Road  
Aberdeen, AB11 9DB

Dear Redacted

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Ecology – flora and fauna

Marine Environment

Freshwater quality and drainage

Archaeology and Cultural Heritage

Traffic and Management

Noise and Vibration

Air Quality

Socio-economic Effects

Long-term operational impacts

I now enclose two hard copies and an electronic one on disc of the amended EIAR.

I understand that I must now advertise the existence and location of the EIAR in the local newspaper and in the Edinburgh Gazette. No doubt there is a standard format for these advertisements. I should be pleased if you would let me have a copy of the standard format and also the address of the Edinburgh Gazette to allow me to place these advertisements as soon as possible.

I also intend to submit a revised application for the works based on alterations contained in the EIAR within the next few days.

Kindest regards

Redacted

Our ref: PCS/162597  
Your ref: St Margarets Hope

If telephoning ask for:  
Redacted

20 December 2018

Redacted

Breck Environmental Consultancy Services  
Summerhill  
Strathpeffer  
Ross-shire  
IV14 9AZ

By email only to: Redacted

Dear Redacted

**Draft Environmental Impact Assessment Report (EIAR)  
Extension to existing marshalling area  
St Margaret's Hope Pier, Orkney**

Thank you for your letter of 27 November 2018, which SEPA received on 29 November 2018, enclosing a draft copy of the Environmental Impact Assessment Report (EIAR).

We welcome the opportunity to comment on the draft EIAR at this stage. We have provided some additional advice below for the applicant and Marine Scotland, who we have copied into this letter for information, on some additional information we would welcome in the finalised EIAR. Please note the advice below.

**1. Environmental impacts**

- 1.1 We have no specific advice on Section 1. We welcome the inclusion of the consideration of the reasonable alternative options and details of the design reiterations in Section 2. Further to the discussions at the meeting on 30 October 2018 with the agent and SEPA, we welcome the preferred Option 4 and consideration of measures to address our concerns "regarding the long-term possibility of the concrete cracking allowing leachate to pass to the marine environment."
- 1.2 Section 3 details the concrete slab will not be cast for 12 months. We welcome that the construction will include a non-return valve to be sealed once the deck is added.
- 1.3 We welcome the inclusion of Section 3.3 detailing the monitoring proposals utilising a vertical slotted pipe to check the water level and potential ingress of rainwater or sea water. We note if the salinity increases dye will be used to identify the leakage path and the most appropriate repair. We would welcome consideration of this being undertaken in combination with periodic non-destructive testing to ascertain the thickness of the sheet piling, along with more details in the EIAR on the potential frequency of checks, example minimum number of times per year and after example heavy storm events. However we



SEPA  
Bob Davies  
Terry A. Hearn

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would defer to the advice of Marine Scotland on these issues and the suitability of the proposed measures to ensure the long term stability of the structure to prevent potential leachate entering the water environment. In follow up to the meeting we contacted Marine Scotland on 31 October 2018 to arrange a meeting, to find out what types of inspection or monitoring regimes are put in place for these types of structures or similar, examples in place, and what Marine Scotland's requirements would be for a long term inspection plan for this proposal or if this would be covered by an existing working plan for the terminal. To date we have had no response back from the case officer. However, we did discuss this briefly at a recent liaison meeting with other members of Marine Scotland and understand that they are looking into transferring operational and maintenance requirements for renewables across to other types of marine development.

- 1.4 We note the inclusion of example *The Composition of a Tyre: Typical Components* report, dated May 2006. However if you have access to more up to date reports we would also welcome the inclusion of these in the EIAR.
- 1.5 Based on the available reports Section 4 references cadmium is the only red list substance which the WRAP report states is present in tyres and "If 100% of the cadmium produce were to leach into this volume of water at one time, the concentration would be about 27mg/l."
- 1.6 This should also be compared against the Water Framework Directive/ River Basin Management Plan (RBMP) criteria to ensure that the waterbody does not fall below Good status using that criteria. I have consulted internally with further specialists to see if we have any further advice on this to pass on to you and await a response. Meantime we can advise this development is at coastal water body 200474, Scapa Flow, currently at Good status so the RBMP objective would be to prevent deterioration.
- 1.7 There could be a breach of Environmental Quality Standards for more than cadmium and so other metals should be considered. We understand Copper and Zinc are list 2 substances and are known to have impacts on marine species. So for example we would request consideration of these substances in addition to the cadmium.
- 1.8 We consider the mitigation proposals to use monitoring and appropriate repairs, to ensure the long term integrity of the structure to prevent leachate entering the water environment, a reasonable approach. However as advised above we would defer to the advice of Marine Scotland on the acceptability of the monitoring and mitigation scheme and are likely to have no objection to this aspect of the proposals subject to a condition being attached to the marine licence, or other mechanism as considered appropriate by Marine Scotland, ensuring the proposals are agreed with Marine Scotland and then implemented for the lifetime of the structure. Reason: To ensure appropriate measures for the long term management of the structure, ensuring the long term integrity of the structure to prevent leachate and waste material potentially entering the water environment.

## 2. Decommissioning/refurbishment

- 2.1 We welcome the consideration of the long term effects in Section 4.2. However we note the statements "If in the unlikely event that cracks would develop in the concrete after a long time, it would appear that there may be no toxicity left in the leachate" and "It may also be considered that as the baled tyres have been exposed to the elements in central Scotland for some time most of the toxicity of any leachate may already have been reduced considerably."



- 2.2 One of the purposes of baling tyres to PAS 108 is to reduce the effects of weathering. The outsides of a bale may get weathered but inside should be relatively protected. Weathered tyres bales are unlikely to be suitable for construction work. Also the metals and other pollutants, encased within the tyre, are unlikely to leach away in an encapsulated environment. It may be that they would be retained until the concrete was breached and only then would there be any potential release.
- 2.3 We support a sustainable approach to the management of waste and we have a duty to protect the environment and human health from the effects of waste management and disposal. We draw to the **determining authority's attention** the need to consider legacy issues with regards to this development. At some point, like all other infrastructure, the engineered structure will need to be replaced. The owner will then have to manage a substantial volume of waste tyres which will have been imported onto the island. There may be potentially no local solution. It would therefore be reasonable to consider the long term sustainability of the use of tyres in this location.
- 2.4 In regard to our interests we are likely to request a condition is attached to the marine licence, or other mechanism is used as considered appropriate by Marine Scotland, requiring a refurbishment/decommissioning plan if the structure is no longer in use or is to be refurbished. Reason: To prevent abandonment of infrastructure and potential waste and it entering the marine environment if the structure is no longer in use.
- 2.5 With this in mind we welcome the details in Section 2.4 that the piles would have a life expectancy of about 30 years which if "the 600mm concrete backing to the piles as shown on the drawings prevents the sea water from corroding the inner face of the piles, their life expectancy could be extended to 50 or 60 years" and "Many years into the future, should the steel piles become unserviceable due to corrosion, the 600mm concrete wall behind the piles will be serviceable indefinitely". However we **request** that indicative details are added to the EIAR on the proposed refurbishment/decommissioning of the structure in the future.
- 2.6 In addition to the details already provided on expected life span this should confirm that if the structure is no longer in use in the future the infrastructure will be removed and all waste materials, including any infill, removed and reused where appropriate, recycled or disposed of at a licensed onshore site. The seabed and/or shoreline should be restored to as near its former natural condition as possible on completion of the works.
- 2.7 We appreciate that best practice is likely to change during the expected life span of the structure, however the submission needs to demonstrate the **commitment** that there will be no discarding or abandonment of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document is it waste - Understanding the definition of waste. Marine Scotland may also have advice on their requirements on indicative information that should be included in the EIAR on this issue.

### 3. Regulatory requirements

- 3.1 Section 1 details the new sewage treatment plant for the office but highlights the proposed office will require planning permission. Section 3 *Construction details* also references the outfall and the final drawing in Appendix 6 shows the proposed location. As advised previously authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) for discharges of effluent to the water environment.

- 3.2 Discussions have already taken place with the applicant/agent and SEPA regarding this aspect of the proposal and we have no in principle concerns. As such we have no comments on this aspect of the proposal or further information requirements within the EIAR. The applicant should continue to liaise direct with the local regulatory services team in our Kirkwall office regarding applying for CAR authorisation.
- 3.3 As discussed at our meeting of 30 October 2018, we can confirm that if option 4 is the proposed method employed, then it is unlikely that a Waste Management Licence would be required for the construction.
- 3.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Norlantic House, Scotts Road, Hatston, Kirkwall, Orkney, KW15 1GR - Tel: 01856 871080.

) We trust this information is of assistance to you. However, if you have any queries relating to this letter, please contact me by telephone on 01224 266656 or email at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer  
Planning Service

Ecopsy to: Redacted

**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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**From:** MS.MarineLicensing@gov.scot  
**Sent:** 20 December 2018 10:22  
**To:** Redacted  
**Subject:** marine Scotland - Licensing Operations Team

Thank you for contacting Marine Scotland - Licensing Operations Team.

Please allow up to 10 working days for a response to your application/query.

Please note that marine licence applications will not be accepted unless accompanied by a cheque for the correct application fee, or if an invoice is requested, until that invoice is settled.

The 14 week target duration for determination of a marine licence application begins once a complete and correct application form is received and the application fee is paid.

If you need to discuss your enquiry with a member of staff please call 0300 244 5046.

\*\*\*\*\*

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

Redacted

**To:**  
**Subject:**

MS.MarineLicensing@gov.scot  
RE: Breck Environmental Consultancy Services - Extension to Marshalling Area - St Margaret's Hope Pier, Orkney

Redacted  
Dear

Thank you for your e-mail.

I had actually sent my report on pre application consultation to Marine Scotland on 6<sup>th</sup> June.

Obviously this is not in the format which you require. I will attempt to rewrite it in an approved format over the next few days.

Similarly, I considered that the scoping for the EIA was contained in the letter to MS from SEPA dated 5/11/18 in the paragraph headed "EIA". Again, if this is not in the required format I will attempt to write it in an acceptable one over the next few days.

Previously when I have sent an EIA to the Marine Laboratory, officials there have considered it a draft version and requested various amendments before a final one was submitted, hence my production of a draft EIA. I still have had no comments from SEPA either directly or through yourselves regarding the draft EIA. I would prefer to have these comments if they are to be forthcoming before submitting the EIA as final.

Since writing the draft EIA I have been told by Pentland Ferries that they have sourced several thousand tonnes of clay and rock from a nearby site. It is intended that this clay could be used as a secondary barrier behind the concrete in the construction to further prevent the passage of any leachate to the marine environment. When I submit the final EIA this addition will be incorporated in the design options.

I will prepare new drawings based on this design, hopefully after I receive clearance from SEPA and hope to make a revised application early in 2019.

Yours faithfully

Redacted

**From:** MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]  
**Sent:** 19 December 2018 17:22

**To:** Redacted

**Subject:** Breck Environmental Consultancy Services - Extension to Marshalling Area - St Margaret's Hope Pier, Orkney

Redacted  
Dear

I can confirm receipt of your submission of a draft environmental impact assessment for the extension to the marshalling area, St Margaret's Hope Pier, Orkney.

I note that a scoping opinion has not been requested for this project under regulation 14 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations"). This is not a mandatory requirement of the EIA Regulations however we would normally recommend that all EIA projects undertake this stage to inform the content of the EIA report and to reduce the risk of additional information being required during the consultation on the application. Should additional information be required by consultees at the application

Redacted

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**From:** MS.MarineLicensing@gov.scot  
**Sent:** 19 December 2018 17:22  
**To:** Redacted  
**Subject:** Breck Environmental Consultancy Services - Extension to Marshalling Area - St Margaret's Hope Pier, Orkney

Redacted  
**Dear**

I can confirm receipt of your submission of a draft environmental impact assessment for the extension to the marshalling area, St Margaret's Hope Pier, Orkney.

I note that a scoping opinion has not been requested for this project under regulation 14 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the EIA Regulations"). This is not a mandatory requirement of the EIA Regulations however we would normally recommend that all EIA projects undertake this stage to inform the content of the EIA report and to reduce the risk of additional information being required during the consultation on the application. Should additional information be required by consultees at the application stage, this triggers part 6 of the EIA Regulations which requires further publicity of the additional information with the associated cost and timescale implications.

I also note that the document that you have provided is labelled as a Draft Environmental Impact Assessment. We would not normally provide feedback on a draft EIA report as advice is given through the scoping process described above. I would however recommend that you refer to schedule 4 of the EIA regulations for details of the information which must be included in an EIA report. A further description of the requirements for an EIA report is provided in regulation 6 of the EIA regulations. I would strongly recommend that you cross check the document that you have produced with both schedule 4 and regulation 6 before submitting your final copy. In order to proceed with your application, we require the final copy to be provided. Under regulation 19 of the EIA regulations, you are required to provide two hard copies and an electronic copy.

If you wish to proceed without scoping the content of the EIA report, acknowledging the increased risk of additional information, we require you to submit finalised copies of the EIA report as described above. These must be accompanied by an application form for a marine licence, available [here](#), and also a copy of the PAC report for the pre-application event that was carried out for these works. The PAC report should be in the form required by the PAC regulations, available [here](#).

Kind Regards,

Redacted

Redacted

Scottish Government | Marine Licensing | 275 Victoria Road | Aberdeen | AB11 5DB

01224 262211  
01224 262212

Redacted

[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)  
<http://www.scotland.gov.uk/marinescotland>

**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire, IV14 9AZ**  
Redacted

1 December 2018

Redacted

**Planning Officer**  
**SEPA**  
**Aberdeen, AB11 9QA**

Dear Redacted

**St Margaret's Hope, Orkney**  
**Extension to Marshalling Area at St Margaret's Hope Pier**  
**Draft EIA**

I enclose a CD which may or may not have the full draft EIA, a copy of which was e-mailed to you. I have no faith that everything went with e-mail, hence CD.

**Yours sincerely**  
Redacted

Redacted

Redacted

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**From:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Sent:** 29 November 2018 15:34  
**To:** Redacted  
**Subject:** Marshalling area at St Margaret's Hope

Dear Redacted

Thank you for sending my colleague Redacted a hard copy of the Draft Environmental Impact Assessment in relation to the extension of the marshalling area at St Margaret's Hope. Redac is on leave this week, hence my line manager Redacted has asked that I e-mail you in her absence.

We appreciate the difficulties that sometimes occur regarding e-mails however, it would be very much appreciated if you could try to send us an electronic copy by via e-mail or on CD by post. This will enable us to more easily consult with internal specialists within SEPA.

Many thanks,

Redacted

Redacted

Planning Officer  
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA.  
Redacted

Our planning guidance: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/)

**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire. IV14 9AZ**  
Redacted

27 November 2018

Redacted

MS Major Projects  
Marine Scotland  
Marine Laboratory  
Aberdeen, AB11 9BD.

Redacted  
Dea

**Extension to Marshalling Area, St Margaret's Hope Pier, Orkney**  
**Draft Environmental Impact Assessment**

I apologise for sending this as a hard copy, We are having problems with e-mails and many are not being sent.

Following my meeting with SEPA in Aberdeen on 30<sup>th</sup> October, it was agreed that a short and concise EIA was required for the above proposed works covering the long term and constructional effects of the baled tyres to be used in the project.

I now enclose a draft copy of the EIA for your consideration.

I have also sent copies to Aberdeen to Alison Wilson, Senior Planning Officer at SEPA Aberdeen and to Jim Mackay, SEPA at the Dingwall office for their consideration.

I look forward to hearing from you at an early date.

Yours sincerely  
Redacted

Redacted



**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire. IV14 9AZ**  
Redacted

27 November 2018

Redacted

Senior Planning Officer,  
Planning Service, SEPA  
Inverdee House  
Baxter Street  
Aberdeen, AB11 9QA

Dear Redacted

**Extension to Marshalling Area, St Margaret's Hope Pier, Orkney**  
**Draft Environmental Impact Assessment**

I apologise for sending this as a hard copy. We are having problems with e-mails and many are not being sent.

Following our meeting in Aberdeen on 30<sup>th</sup> October, I now enclose for your consideration a draft copy of the required EIA.

I have also sent copies directly to Jim Mackay at the Dingwall office and to Rania Sermpezi at Marine Scotland for consideration.

I look forward to hearing from you at an early date.

Yours sincerely  
Redacted

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**From:** Redacted  
**Sent:** 05 November 2018 12:52  
**To:** Redacted  
**Subject:** FW: St Margaret's Hope Pier, Orkney Meeting, Hutton room Aberdeen - VC with Kirkwall at 3pm, 30 October 2018 - draft meeting note

Redacted  
Dear

Thank you for meeting with us on 30 October 2018. We found the meeting very useful. As discussed please find a brief note of the meeting for your agreement prior to sending to Marine Scotland, who were unable to attend.

Hopefully this captures the main points but please feel free to amend. In addition the local Regulatory Services team have advised one of the builders in Kirkwall, Andrew Sinclair Contractors Ltd, has a substantial stockpile of aggregate for recycling. It may be this is already earmarked for a project however, as discussed at the meeting, you may wish to investigate this further as a potential local source of aggregate for this proposal.

**Attendees**  
Redacted

, Breck Environmental Consultancy Services  
Planning Unit Manager North, SEPA  
Senior Environment Protection Officer, SEPA  
, Senior Planning Officer, SEPA

#### EIA

SEPA confirmed that with respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required. However, this could be a very short, focused EIA. SEPA confirmed that it would expect the EIA Report (EIAR) to be concise, addressing only those issues that have the potential to have a significant effect – in this case, from SEPA's perspective, only the use of tyres and alternative options. Insofar as our remit is concerned, we agree all other issues can be scoped out. The EIAR should contain an overview of the likely effects only.

Reda confirmed would look to include details of example alternative options (refer design iterations below), composition of the tyres, for example weight of substances such as zinc, cadmium etc, what can leach out from these as they degrade and potential quantities of this per litre of water in the bay. Red stated that the total amount of substances of potential concern could be quantified ("worst case scenario") and this could be a very simple approach.

#### Design iterations

Reda summarised the justification/requirement for the extended marshalling area and ran through the different design options which have been considered and development of the proposals.

First option was the use of quarried stone to create the extension to the marshalling area, consideration of aggregate tax also assessed.

The second option, was to create the area by encapsulating used tyres. This would be done by layering tyres, quarry stone, tyres, quarry stone. The final layer would be quarry stone which would be left open for 1 year to allow settlement before capping with concrete. The construction would also have weep holes.

On receipt of advice from SEPA, raising concerns on leachate from the tyres and the impact of UV light on the tyre bales, a third option has been developed. This would involve removing the weep-holes, a trench would be excavated in the rock and sheet piles installed and concrete walls. A section at the end would be left open initially which will allow ingress of seawater. 1 or 2 layers of tyre bales would be added at

approximately 200-300 tonnes per day, which would take 2 – 3 weeks to get to the required level and then the end section would be added. The design would be standard water proof construction with expansion/water proof joints at the joins.

#### Potential impacts

SEPA confirmed they have no issue in principle with the development of the extension to the marshalling area and the concerns relate largely to the long term potential environmental impacts from the use of the baled tyres only. There are less concerns with temporary impacts during the construction phase which would be time limited, follow best environmental practice and a working plan.

The main concerns lie with the long term integrity of the structure and encapsulation of the tyres. Wear and tear of the sheet piling/concrete walls may have long term impacts by creating pathways for leachate from the tyres to the wider environment.

General discussion on timescales for potential breaches in the concrete/piling to appear and requirement for a long term inspection and mitigation plan. SEPA took an action to arrange a meeting with Marine Scotland to find out more about long term inspection measures for these types of structures, any current examples Marine Scotland could refer SEPA to for information and to find out what Marine Scotland's requirements would be in regard to an inspection regime for this type of proposal, for example frequency and what it would entail or if this would be covered by an existing Working Plan etc. (Post meeting note: Redacted contacted Marine Scotland via email 31.10.18 to arrange a meeting – awaiting reply)

#### SEPA regulatory regime

SEPA previously advised on the requirement for a Waste Management Licence (WML) for the storage of the tyre bales and when the tyre bales were placed above the new mean high water springs (MHWS).

General discussion on the time scales for issuing a WML (4 months) and confirmation the need for a WML could be avoided by not using tyres. Discussed different design options including placing the tyre bales up to the MHWS then infilling above this with crushed rock. SEPA confirmed if this design was proposed this would negate the need for a WML.

SEPA confirmed preference to source secondary aggregates rather than prime aggregates and investigate if any larger construction projects on the island to similar time scale that could be used to source aggregates.

Redacted also confirmed the intention would be for there to be no storage of tyres on site. The tyre bales will be sourced from a site in the central belt which are to PAS 108 standard. Tyres would be loaded on trailers and arrive on the island via the ferry and be taken to the site where they would be inspected, any unsuitable bales/tyres taken to a holding area and the rest then put in situ, the unsuitable tyres would then be loaded back on to the trailer for return to the source site. Approximately 5500 Tonnes of tyres will be used. Redacted confirmed that in this case, as there would be no storage of tyres on site/on the island prior to use, there would be no requirement for a WML for this aspect of the works.

Discussion on requirement for tyres that have been baled to PAS 108 for more than a year to be recertified. Redacted mentioned another site where bales had been opened, inspected and re baled to meet the required PAS 108 standard. It is understood the source site would be responsible for ensuring supply bale tyres to PAS 108 standard.

Discussion on foul drainage treatment facilities for the office facilities/potential cafeteria. Redacted has been discussing the requirements for a Controlled Activities Regulations (CAR) authorisation for these direct with the local operations team in SEPA's Kirkwall office. The discharge outlet will cut through the sheet piling at the low water mark and a treatment plant will be installed with the required treatment standard. This aspect of the proposal was not discussed further as it would be scoped out the EIAR and Redacted will pursue separately with SEPA's regulatory services team.

#### Summary

SEPA confirmed happy to look at any draft documents prior to submission.

Regards,

Redacted

Senior Planning Officer  
Planning Service. SEPA. Inverdee House. Baxter Street. Torry, Aberdeen, AB11 9QA  
Redacted

Please note that my regular work pattern is Monday - Thursday

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

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Redacted

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**From:** Redacted  
**Sent:** 29 October 2018 10:29  
**To:** Redacted  
**Cc:**  
**Subject:** Meeting request - Consultation Reference St Margaret's Hope  
**Importance:** High

Redacted  
Deal

In follow up to telephone calling this morning and meeting request this week, I have just left a message on your answer machine to confirm we would be available to meet on Tuesday 30 October at 3pm at our Aberdeen office with a VC with the regulatory services team in our Kirkwall office. I appreciate this is short notice but due to prior commitments and your request for the meeting this week we hope this is suitable for you.

Redacted  
I understand is out the office till Wednesday but we would find it very helpful to have a representative from Marine Scotland attend too so have copied them in to check availability.

I will go ahead and arrange the meeting room booking and VC for tomorrow meantime and look forward to hearing back from you.

Regards,

Redacted

Senior Planning Officer  
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA  
Redacted

Please note that my regular work pattern is Monday - Thursday

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

Redacted

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**To:** ms.majorprojects@gov.scot  
**Subject:** RE: PCS/160539 - PCS/159608 RE: SEPA Response to Consultation Reference St Margaret's Hope - SEPA's response 3

Redacted  
Dear

Thank you for passing on SEPA's response to my last letter. I must say that I am disappointed but not at all surprised by their refusal to change their stance regarding the requirement for an EIA, particularly as I predicted in previous correspondence that SEPA will not change their stance even when wrong.

Our proposal to change the design of the structure such that no leachate could reach the sea appeared to have the approval of SEPA. As regards long term encapsulation of the bonded tyres, a 600mm concrete backing to the steel sheet piled sea wall would ensure that no leachate could be in contact with the steel piles which may develop perforations within 30 to 40 years. The final encapsulation would ensure that no leachate could escape by any other pathway with the bonded tyres being encased by a concrete curtain wall on all sides and a 300mm thick deck slab. With this degree of encapsulation I cannot see any possibility of leachate reaching the sea and consequently I cannot see any possible reason for having to produce an EIA.

We understand that baled tyres, although a construction material may also be considered as a waste product in Scotland until incorporation within the final structure and agree that we would comply with the appropriate regulations.

From previous correspondence, I understand from SEPA that if the construction is tidal, the responsibility for the baled tyres within the construction will remain the responsibility of Marine Scotland but if the construction is such that the tide cannot enter or leave the construction "the proposal is likely to require a Waste Management Licence"

If this is the case, I will require the following from SEPA:

1. Full financial implications of applying for and operating within the remit of the licence.
2. A letter from a suitably qualified person in SEPA e.g. their Chief Legal Officer or whoever would have to represent SEPA in court, stating categorically that this is a legal requirement should this decision be challenged through the courts.

Based on no. 1 above, we will be able to carry out a financial impact assessment for our own benefit.

It would be relatively easy to redesign the encapsulation of the baled tyres such that the tide will enter and exit the construction through the weep-holes while the encapsulation is remote from the edge of the site forming a large inert lump or several large inert lumps within the structure. This would ensure that the structure was tidal and should no longer require a Waste Management Licence even if it would have required one should the site not be tidal. This possible alteration to the design will depend on the outcome of the financial impact assessment which in turn depends on no. 1 above.

Should it be a requirement that the site has a Waste Management Licence, I see no reason why baled tyres should be in accordance with PAS 108, the site would be able to accept any baled tyres. The requirement would be that the bales would be sufficiently stable to be used as a construction material and could cope with the pressures from the vehicles on the final concrete deck. The possibility if leachate would not be a problem as the baled tyres would be totally encapsulated.

3. I will require from SEPA a list of construction sites where tyres baled to PAS 108 are used and the site had been required to have a Waste Management Licence. This will allow me to possibly visit some of these sites and discuss the possible problems with the site owners. I do not want landfill sites where baled tyres are used as liners to be included in the list.

SEPA has requested that we demonstrate the extent of the works. This is shown in detail on the drawings which accompanied the draft application with the exception of the encapsulating walls to the rear and side of the fill. These would reduce the requirement for tyres by about 300mm and would be shown as such on the final drawing should this be the adopted design.

The suitability is such that the area of the marshalling area presently constructed on baled tyres topped with a layer of crushed stone but at present without the 300mm R.C. deck slab is being used by harbour plant, not ferry traffic. A large crane has been used to lift boats from the harbour and no sign of any deformity or subsidence has been seen.

As the final construction would be no different from any other sheet piled and concrete pier except that it would last for a considerably longer time than a sheet piled pier due to the 600mm of concrete backing to the sheet piling, the requirement for other regimes would be no different to that of any other similar pier.

SEPA has stated that they require details of the process that will be used to check that tyres are baled to PAS 108. Pentland Ferries is only a customer purchasing the baled tyres and is not involved in certifying them. SEPA is the regulating authority and as such must know what is involved in checking that the tyres are baled to PAS 108. I will be happy to hear from SEPA what is involved. If specially trained and licenced persons are the only ones capable of carrying out these inspections I should be pleased if SEPA would give me the address and contact details of the authority who trains and licenses these people so that we can employ one to carry out the inspections and certification. There is the possibility that I or a member of staff of Pentland Ferries may wish to be trained and licensed. If the site requires to have a Waste Management Licence, this may not be necessary.

SEPA requested a structural report. They were given one in my last correspondence. They appear not to have understood any of it. Their only comment was "they would welcome proposals to block out the light with a layer of aggregate" and that the "proposals will be designed by a design engineer with an appropriate level of technical knowledge of such issues" etc.

As a design engineer I am a chartered civil engineer with over 40 years experience of design procedures since becoming chartered, I trust that is sufficient for SEPA.

In conclusion I would point out that it is now over six months since I submitted the draft application and we appear to be no further forward. SEPA is doing its best to come up with any legislation it can think of to prevent the works progressing.

I have suggested that no EIA should be required if the design is modified to encapsulate the tyres and prevent any leachate from escaping from the structure. SEPA has responded by quoting procedures but has not admitted that an EIA would not be required. As I cannot envisage any further information that would be produced regarding possible pollution from the encapsulated tyres, may I now request that Marine Scotland ask the Minister to determine if the Regulations are appropriate and adopt a screening opinion. This may not be the appropriate procedure, I understand that Planning Authorities who wish to disregard SEPA's advice do so and write to the Ministers to tell them why they have rejected their advice.

If SEPA can prove that a Waste Management Licence is required if the site is no longer tidal, and if the financial implication is significant, we may incorporate a minor design change to allow the structure to be tidal but to have the tyres still fully encapsulated. If this still requires a Waste Management Licence and if it is decided that an EIA is required we may well revert to the original design without encapsulation.

As the possible requirement of a Waste Management Licence has no bearing on the granting of the required Marine Licence, this should not concern Marine Scotland and may be an issue between SEPA and Pentland Ferries and should not delay the granting of a Marine Licence any further.

I look forward to this project progressing at last with any further discussion if required being of a positive nature.

Yours sincerely

Redacted

Redacted

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**From:** ms.majorprojects@gov.scot  
**Sent:** 01 August 2018 08:07  
**To:** Redacted  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

Dear Redacted

Thank you for your email of 29 July 2018.

I can confirm I have passed your comments to SEPA and will be back in touch with you once I have received a response.

Kind regards,

Redacted

Marine Licensing Casework Officer  
Marine Scotland - Marine Planning & Policy

The Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

PLEASE NOTE I ONLY WORK MORNINGS.

Mobile: +44 (0) 1312 443 741  
Home: +44 (0) 300 244 5046  
Email: Redacted  
[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)  
<http://www.scotland.gov.uk/marinescotland>



) Redacted  
**From:** Redacted  
**Sent:** 29 July 2018 17:42  
**To:** MS Major Projects <ms.majorprojects@gov.scot>  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

Dear Redacted

**Proposed Extension to Marshalling Area at St Margaret's Hope Pier, Orkney  
For Pentland Ferries**

Thank you for your e-mail with attachment from SEPA. I will now attempt to address SEPA's concerns.

Firstly it is important to understand the purpose of the proposed construction and also to understand the significance of the possible options for construction. As this ferry route now takes about 50% of all transport into Orkney and the present ferry is too small to cope with the quantity of traffic during the summer months, a new larger ferry has been ordered and is due for delivery within the next few months.



The greater carrying capacity of the new ferry will require a larger marshalling area for queueing traffic to prevent the main access road to the pier being used as part of the marshalling area. A new booking office located on the proposed extension will avoid passengers having to cross the pier access road to reach the existing booking office.

The proposed construction is in accordance with government policy regarding the use of recycled materials and the minimal use of freshly quarried material. The sheet piles will be recycled having been found surplus to requirements on another construction site. The compressed and baled tyres are considered to be a construction material and not a waste product and as such are being recycled for general benefit.

Using these compressed and baled tyres as general fill for the construction considerably reduces the quantity of newly quarried material required. It is government policy that the amount of newly quarried material should be reduced as much as possible and to this end the government has introduced an aggregate tax.

There are several options possible for the design of the marshalling area:

1. The marshalling area would be constructed as shown on the drawings accompanying the draft application for the marine licence with weep holes preventing the build up of water pressure behind the wall.
2. The above design could be modified eliminating all weep holes and all routes for seepage. This would prevent any possibility of leachate reaching the sea.
- 3 Baled tyres would not be used for fill. Quarried stone would be used instead contrary to the policy of the government. This would require a considerable amount of blasting and crushing of rock – both extremely unfriendly environmentally. A minimum trip of over 50 miles per lorry load of stone and the accompanying carbon and NO<sub>2</sub> emissions, again is hardly environmentally friendly.

In reply to SEPA's comments in their e-mail to Marine Scotland dated 2<sup>nd</sup> July, I comment as follows:

1.

1.1 I would normally welcome SEPA's proposal to meet and discuss the proposals in detail. I have had many meetings with SEPA officials over the last several years mainly as I have considered their stance on various subjects to be incorrect. On every occasion I have been met with lack of knowledge, lack of interest and a refusal to change their stance even when having been proved wrong. If SEPA's senior planning officer could guarantee that I would not be met with a similar attitude by the appropriate staff I consider that a face to face meeting would solve many problems which SEPA may have should the contents of this letter not be sufficient.

1.2 Of the three suggested designs above, suggestion 1 would appear unacceptable to SEPA.

Suggestion 2, although in engineering terms is a poorer solution than suggestion 1, has the advantage that all fill is entirely encapsulated in concrete and there is no chance of any leachate reaching the sea. Suggestion 3 is a last resort design. Newly quarried stone should be used in as small quantities as possible.

1.3 Should the original design be adopted, I feel that a full EIA is beyond the remit of SEPA. Sections on transportation and on visual impact to name but two are outwith SEPA's remit. Possible disturbance to whales, dolphins, birds, flora and fauna are dealt with by SNH who appear to be happy with the proposals. Basically this leaves very little other than the possibility that some leachate may increase the amount of heavy metals present in a working harbour. This could be dealt with by reviewing the numerous reports and studies regarding the uses, disposal; and toxicity of tyres which I have to hand.

1.4 I note that SEPA welcomes the suggestion that an amendment to the design whereby all weepholes or flow paths are eliminated and the baled tyres are entirely encapsulated in concrete. As the design would ensure that no seepage of leachate could take place particularly as the base of the site is virtually impermeable as stated in my letter to Marine Scotland dated 4<sup>th</sup> July. It would appear that SEPA may look favourably on this design especially as it will be very easy to ensure lack of leachate. If this is SEPA's chosen design, there will be no requirement for the lengthy and time consuming review of reports and research documents mentioned in 1.3 above. Further if no

leachate can escape from the concrete and steel encapsulation there can be nothing affecting the environment other than normal construction equipment working.

- 1.5 The proposals are designed to ensure that no pollution pathway exists to the wider environment. If, following the reading of this letter, SEPA still requires a structural report regarding the integrity of the encapsulation I will happily provide one.

The main aspects of such a report are:

- a. Pressure on the rear of the sheet piled and concrete composite wall. The main pressure will be due to full hydrostatic head of sea water which will have entered the construction area due to high tides and wave action during the construction phase. It will not be possible to pump this water out as it will have been in contact with the tyres. There will also be pressure from the fill material. This will be considerably less than the full hydrostatic head of the sea water at low tide. This is due to the angle of internal friction of the fill material and buoyancy in sea water. As SEPA will only know too well, in sewage treatment plant filter beds the angle of internal friction of the media reduces with age. This may happen to the fill material in the marshalling area due to the possibility of algal growth. As a precaution I have taken the angle of internal friction to be 50% of normal. If SEPA has any knowledge of a different reduction factor, I will be happy to incorporate it in the design.

There will be no pressure from the baled tyres. They will be "built" and will be free standing.

Temporary supports will be required for the sheet piling and concrete wall until the fill has reached the level of the tie rods and anchor blocks. The position of the anchor blocks depends on the angle of internal friction of the fill material. As they will only be required until the concrete deck slab is in position, the full angle of internal friction will be used and not the possible 50% reduction as mentioned above. The temporary supports should only be removed once the fill over the anchor blocks reaches its final level. During the construction phase prior to the casting of the deck slab, a surcharge allowance of 10kN/m<sup>2</sup> is used for the presence of construction plant.

The wall itself comprises steel sheet piling welded into panels acting as a composite reinforced concrete wall with 600 mm of concrete. The sheet piling cannot be driven due to it being welded into panels consequently it cannot be considered to be a cantilever wall at any stage of construction. The panels will be set into a concrete foundation up to 1.5 m deep in bedrock. The completed wall will act like a beam spanning between the foundation and the reinforced concrete deck slab which will be tied into reinforcing U bars protruding from the top of the concrete wall.

During construction, the wall will span between the foundation and the temporary supports and once the structure is full it will span between the foundation and the anchor block tie bars. Only after completion of the deck slab will the anchor blocks become redundant. They will be left in position and act as an additional factor of safety.

- b. As stated in my letter of 4<sup>th</sup> July, the base of the construction is bed-rock and is considered to be virtually impermeable. Any silt which may still be present will be washings of boulder clay, again almost impermeable. No liner will be required.
- c. To prevent leaching into the existing adjacent structure, a concrete grout curtain will be cast between the proposed works and the existing. It will be taken 300 to 450 into the bed-rock. All drain holes from the existing structure into the new structure will be sealed.
- d. Vents will be formed at a high level to vent off any build up of gas which may take place due to rotting seaweed or similar which may have entered the construction during gale force winds. These will be placed well above the tide level.
- E It may take as much as 12 months before the deck slab is cast. This will allow all settlement to take place. The baled tyres will be covered with a substantial layer of crushed stone and there will be no chance

of UV light impact. During this period breaking waves and rainwater will enter the construction and will not be pumped away. This is allowed for in the design.

1.6 I cannot envisage the benefit of diverting surface water round the completed concrete structure. A small volume of water will come from the road compared with the volume of rainwater which will fall on the concrete surface. If SEPA actually meant ground water rather than surface water, there should be no problem as the adjacent land in the form of cliffs is again of Eday Marle with an overlayer of boulder clay, both virtually impermeable and ground water is non-existent.

1.7 This is covered in 1.5 above.

1.8 The tyres will not be stored on site. On delivery they will immediately be built into the construction and covered in crushed stone. No UV light will impinge on the tyres after arrival on site. Any tyres suspected of not being baled to PAS 108 standard will be rejected.

1.9 I have sitting in front of me in excess of 200 pages of reports etc regarding toxicity etc of baled tyres. Unfortunately none of these refer to tyres completely encapsulated in concrete. The reports would only be useful if it was decided to proceed with the original design.

Until the concrete deck slab is complete high tide will be able to enter the construction and as such it is considered to be below the high tide mark. Only after the deck slab is cast, i.e. when the construction is complete with no chance of any additional material being added can it be considered that the high tide mark has been removed. At that stage it becomes a part of a working harbour and cannot possibly be considered as a waste disposal site. If at any stage it is to be considered as a waste disposal site and not a harbour installation, Orkney Islands Council would act as Planning Authority. I can almost guarantee that they would not grant planning permission for a waste disposal site there. Also St Margaret's Hope Pier Trustees would almost certainly object to that planning proposal.

With regards to the compressed and baled tyres being considered as a waste product rather than a construction material made from a waste product, is fly-ash concrete considered to be a waste product? Are the motor car factories licensed as waste disposal sites when they accept waste plastics to turn them into car bumpers? There are many more examples of waste materials being reused in a beneficial manner. It should be noted that the original fill for the marshalling area at St Margaret's Hope and the fill to the breakwater at Gill's Bay was dredged material and no-one ever suggested that either site should be considered as a waste disposal site. With old plastics and dredged material being recycled without their being considered waste products, why has SEPA picked on one product and declared it a waste product rather than a building material manufactured from a waste product?

I note that SEPA is internally discussing which regulations would apply in these circumstances. It would appear that they have decided that to call the construction site a waste disposal site is totally inappropriate and they are desperately trying to find any legislation which can be used to slow down or stop this development.

I believe I have answered all of SEPA's concerns. I feel that an EIA is no longer required. It would prove to be very time consuming and very expensive for Pentland Ferries and I am afraid that I cannot see what purpose it would serve other than "you must play the game!"

I request that the requirement for an EIA is removed. To that end I will be happy to meet with SEPA as I have stated in 1.1 above and hopefully this application can be brought to a speedy and satisfactory conclusion.

Yours sincerely

Redacted

Redacted

---

**From:** ms.majorprojects@gov.scot  
**Sent:** 03 September 2018 10:44  
**To:** Redacted  
**Subject:** FW: PCS/160539 - PCS/159608 RE: SEPA Response to Consultation Reference St Margaret's Hope - SEPA's response 3

Redacted  
Dear

Please see below SEPA's response to your comments of 29 July 2018.

Kind regards,

Redacted

Marine Licensing Casework Officer  
Marine Scotland - Marine Planning & Policy

The Scottish Government Marine Laboratory 375 Victoria Road Aberdeen AB11 9DB

PLEASE NOTE I ONLY WORK MORNINGS.

Mobile: 0201 222 222 +44 (0) 1312 443 741  
General Enquiries: +44 (0) 300 244 5046

Redacted

ms.majorprojects@gov.scot  
<http://www.scotland.gov.uk/marinescotland>



Redacted

Thank you for your email of 1 August 2018 in follow up to our advice on this proposal in our email of 2 July 2018. We have added some further advice in blue below to that already provided.

We trust this information is of assistance to you in your determination of the scoping opinion. However, if you have any queries relating to this, please contact me by telephone on 01224 266656 or email at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer  
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

Redacted

Please note that my regular work pattern is Monday - Thursday

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

**From:** ms.majorprojects@gov.scot <ms.majorprojects@gov.scot>  
**Sent:** 01 August 2018 08:06

To: Planning Aberdeen <planningaberdeen@sepa.org.uk>

Subject: PCS/159608 RE: SEPA Response to Consultation Reference St Margaret's Hope - applicant's response 2

Good morning,

Further to your advice of 02 July 2018 regarding the extension to the marshalling area at St Margaret's Hope, Orkney, please see below Pentland Ferries' response. I should be grateful if you could please review the below and provide us with your comments.

"Firstly it is important to understand the purpose of the proposed construction and also to understand the significance of the possible options for construction. As this ferry route now takes about 50% of all transport into Orkney and the present ferry is too small to cope with the quantity of traffic during the summer months, a new larger ferry has been ordered and is due for delivery within the next few months.

The greater carrying capacity of the new ferry will require a larger marshalling area for queueing traffic to prevent the main access road to the pier being used as part of the marshalling area. A new booking office located on the proposed extension will avoid passengers having to cross the pier access road to reach the existing booking office.

The proposed construction is in accordance with government policy regarding the use of recycled materials and the minimal use of freshly quarried material. The sheet piles will be recycled having been found surplus to requirements on another construction site. The compressed and baled tyres are considered to be a construction material and not a waste product and as such are being recycled for general benefit.

We can confirm that in Scotland tyre bales, even if baled to PAS 108, remain waste material under regulatory control until they are used and the work completed.

Using these compressed and baled tyres as general fill for the construction considerably reduces the quantity of newly quarried material required. It is government policy that the amount of newly quarried material should be reduced as much as possible and to this end the government has introduced an aggregate tax.

There are several options possible for the design of the marshalling area:

1. The marshalling area would be constructed as shown on the drawings accompanying the draft application for the marine licence with weep holes preventing the build-up of water pressure behind the wall.
2. The above design could be modified eliminating all weep holes and all routes for seepage. This would prevent any possibility of leachate reaching the sea.

As outlined in Section 1.4 of our email response of 2 July 2018 (ref: PCS/159608) we welcome the proposed change to the design to this extent:

3. Baled tyres would not be used for fill. Quarried stone would be used instead contrary to the policy of the government. This would require a considerable amount of blasting and crushing of rock – both extremely unfriendly environmentally. A minimum trip of over 50 miles per lorry load of stone and the accompanying carbon and NO2 emissions, again is hardly environmentally friendly.

In reply to SEPA's comments in their e-mail to Marine Scotland dated 2nd July, I comment as follows:

- 1.1 I would normally welcome SEPA's proposal to meet and discuss the proposals in detail. I have had many meetings with SEPA officials over the last several years mainly as I have considered their stance on various subjects to be incorrect. On every occasion I have been met with lack of knowledge, lack of interest and a refusal to change their stance even when having been proved wrong. If SEPA's senior planning officer could guarantee that I would not be met with a similar attitude by the appropriate staff I consider that a face to face meeting would solve many problems which SEPA may have should the contents of this letter not be sufficient.

It is unclear which site(s) these comments relate to but we advise we treat every case on its relative merits. We have a complaint procedure if the consultant wishes to highlight areas where they feel we have made incorrect decisions.

1.2 Of the three suggested designs above, suggestion 1 would appear unacceptable to SEPA. Suggestion 2, although in engineering terms is a poorer solution than suggestion 1, has the advantage that all fill is entirely encapsulated in concrete and there is no chance of any leachate reaching the sea. [as stated above - as per Section 1.4 of our email response of 2 July 2012 we welcome the proposed change to this option] Suggestion 3 is a last resort design. Newly quarried stone should be used in as small quantities as possible.

1.3 Should the original design be adopted, I feel that a full EIA is beyond the remit of SEPA. Sections on transportation and on visual impact to name but two are outwith SEPA's remit. Possible disturbance to whales, dolphins, birds, flora and fauna are dealt with by SNH who appear to be happy with the proposals.

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended) - regulation 10(5) states:**

**"The Scottish Ministers, on receiving a request for a screening opinion under paragraph (7), may consult such of the consultation bodies as the Scottish Ministers consider appropriate, as to the views of the consultation body or bodies on whether the proposed works are an EIA project unless the applicant has already conveyed the views of the body or bodies to the Scottish Ministers."**

**Under regulation 2(1) The Scottish Environmental Protection Agency is defined as one of "the consultation bodies" and regulation 10(9) states:**

**"Where a consultation body is consulted by the Scottish Ministers under paragraph (5) it must give its views to the Scottish Ministers within-**

- (a) a period of 3 weeks beginning on the date on which it was so consulted; or**
- (b) such longer period as the Scottish Ministers may determine."**

**We have provided advice to Marine Scotland that, insofar as interests within our remit are concerned, we consider this is EIA development. However, SEPA are a consultee body and it is for the Scottish Ministers to determine if the Regulations apply and adopt a screening opinion. The need for EIA does not mean that every environmental issue needs to be addressed, only those which are scoped into the process. The long term integrity of the engineering solution here, and consequent risks to the environment longer term, would be those of greatest interest to us.**

Basically this leaves very little other than the possibility that some leachate may increase the amount of heavy metals present in a working harbour. This could be dealt with by reviewing the numerous reports and studies regarding the uses, disposal; and toxicity of tyres which I have to hand.

**2.2 We have not seen these reports and studies but as per section 1.9 of our email response of 2 July 2012 "We reiterate we would welcome reviewing these if they contain scientific data as the impact of new holes in a similar situation."**

1.4 I note that SEPA welcomes the suggestion that an amendment to the design whereby all weepholes or flow paths are eliminated and the baled tyres are entirely encapsulated in concrete. As the design would ensure that no seepage of leachate could take place particularly as the base of the site is virtually impermeable as stated in my letter to Marine Scotland dated 4th July. It would appear that SEPA may look favourably on this design especially as it will be very easy to ensure lack of leachate. If this is SEPA's chosen design, there will be no requirement for the lengthy and time consuming review of reports and research documents mentioned in 1.3 above. Further if no leachate can escape from the concrete and steel encapsulation there can be nothing affecting the environment other than normal construction equipment working.

**as advised previously "if the proposals are designed to ensure there is no pollution pathway to the wider environment in the long term and if this could be demonstrated reliably then this would address some of the concerns regarding wider environmental impacts." We reiterate it is for the Scottish Ministers to determine if the regulations apply and adopt a screening opinion."**

1.5 The proposals are designed to ensure that no pollution pathway exists to the wider environment. If, following the reading of this letter, SEPA still requires a structural report regarding the integrity of the encapsulation I will happily provide one.

The main aspects of such a report are:

- a. Pressure on the rear of the sheet piled and concrete composite wall. The main pressure will be due to full hydrostatic head of sea water which will have entered the construction area due to high tides

and wave action during the construction phase. It will not be possible to pump this water out as it will have been in contact with the tyres. There will also be pressure from the fill material. This will be considerably less than the full hydrostatic head of the sea water at low tide. This is due to the angle of internal friction of the fill material and buoyancy in sea water. As SEPA will only know too well, in sewage treatment plant filter beds the angle of internal friction of the media reduces with age. This may happen to the fill material in the marshalling area due to the possibility of algal growth. As a precaution I have taken the angle of internal friction to be 50% of normal. If SEPA has any knowledge of a different reduction factor, I will be happy to incorporate it in the design.

There will be no pressure from the baled tyres. They will be "built" and will be free standing.

Temporary supports will be required for the sheet piling and concrete wall until the fill has reached the level of the tie rods and anchor blocks. The position of the anchor blocks depends on the angle of internal friction of the fill material. As they will only be required until the concrete deck slab is in position, the full angle of internal friction will be used and not the possible 50% reduction as mentioned above. The temporary supports should only be removed once the fill over the anchor blocks reaches its final level. During the construction phase prior to the casting of the deck slab, a surcharge allowance of 10kN/m<sup>2</sup> is used for the presence of construction plant.

The wall itself comprises steel sheet piling welded into panels acting as a composite reinforced concrete wall with 600 mm of concrete. The sheet piling cannot be driven due to it being welded into panels consequently it cannot be considered to be a cantilever wall at any stage of construction. The panels will be set into a concrete foundation up to 1.5 m deep in bedrock. The completed wall will act like a beam spanning between the foundation and the reinforced concrete deck slab which will be tied into reinforcing U bars protruding from the top of the concrete wall.

During construction, the wall will span between the foundation and the temporary supports and once the structure is full it will span between the foundation and the anchor block tie bars. Only after completion of the deck slab will the anchor blocks become redundant. They will be left in position and act as an additional factor of safety.

- b. As stated in my letter of 4th July, the base of the construction is bed-rock and is considered to be virtually impermeable. Any silt which may still be present will be washings of boulder clay, again almost impermeable. No liner will be required.
- c. To prevent leaching into the existing adjacent structure, a concrete grout curtain will be cast between the proposed works and the existing. It will be taken 300 to 450 into the bed-rock. All drain holes from the existing structure into the new structure will be sealed.
- d. Vents will be formed at a high level to vent off any build up of gas which may take place due to rotting seaweed or similar which may have entered the construction during gale force winds. These will be placed well above the tide level.
- e. It may take as much as 12 months before the deck slab is cast. This will allow all settlement to take place. The baled tyres will be covered with a substantial layer of crushed stone and there will be no chance of UV light impact. During this period breaking waves and rainwater will enter the construction and will not be pumped away. This is allowed for in the design.

We would welcome proposals to block out light with a layer of aggregate to prevent UV degradation. We don't have any further comments on the design at this stage as any such proposals will be designed by a design engineer with an appropriate level of technical knowledge and understanding of such issues and this demonstrated in any planning submission.

- 1.6 I cannot envisage the benefit of diverting surface water round the completed concrete structure. A small volume of water will come from the road compared with the volume of rainwater which will fall on the concrete surface. If SEPA actually meant ground water rather than surface water, there should be no problem as the adjacent land in the form of cliffs is again of Eday Morle with an overlayer of boulder clay, both virtually impermeable and ground water is non-existent.

These comments relate to ensuring water does not enter the area where the tyres are, for example design detail demonstrating full encapsulation with example concrete front, side, on top and also to the rear of the structure

- 1.7 This is covered in 1.5 above.



1.8 The tyres will not be stored on site. On delivery they will immediately be built into the construction and covered in crushed stone. No UV light will impinge on the tyres after arrival on site. Any tyres suspected of not being baled to PAS 108 standard will be rejected.

We reiterate we would require details of the process that will be used to check the tyres are baled to PAS 108 standard

1.9 I have sitting in front of me in excess of 200 pages of reports etc regarding toxicity etc of baled tyres. Unfortunately none of these refer to tyres completely encapsulated in concrete. The reports would only be useful if it was decided to proceed with the original design.

Until the concrete deck slab is complete high tide will be able to enter the construction and as such it is considered to be below the high tide mark. Only after the deck slab is cast, i.e. when the construction is complete with no chance of any additional material being added can it be considered that the high tide mark has been removed. At that stage it becomes a part of a working harbour and cannot possibly be considered as a waste disposal site. If at any stage it is to be considered as a waste disposal site and not a harbour installation, Orkney Islands Council would act as Planning Authority. I can almost guarantee that they would not grant planning permission for a waste disposal site there. Also St Margaret's Hope Pier Trustees would almost certainly object to that planning proposal.

We agree that these reports might not be required for this project, provided there is full encapsulation and no water ingress in the long term. If that cannot be ensured long term, then clearly such reports would be relevant. We are aware of several reports from environmental agencies worldwide, and if the reports you refer to contain scientifically robust evidence and are publicly available then those could be submitted as supporting information for the application.

With regards to the compressed and baled tyres being considered as a waste product rather than a construction material made from a waste product, is fly-ash concrete considered to be a waste product? Are the motor car factories licensed as waste disposal sites when they accept waste plastics to turn them into car bumpers? There are many more examples of waste materials being reused in a beneficial manner. It should be noted that the original fill for the marshalling area at St Margaret's Hope and the fill to the breakwater at Gill's Bay was dredged material and no-one ever suggested that either site should be considered as a waste disposal site. With old plastics and dredged material being recycled without their being considered waste products, why has SEPA picked on one product and declared it a waste product rather than a building material manufactured from a waste product? I note that SEPA is internally discussing which regulations would apply in these circumstances. It would appear that they have decided that to call the construction site a waste disposal site is totally inappropriate and they are desperately trying to find any legislation which can be used to slow down or stop this development.

Regarding the re-manufacturing processes discussed. SEPA do consider tyre bales a waste material. This position is consistent with other 'products' made from waste. Certain waste materials have an end of waste criteria. Some of these are published on our website. Waste tyres does not have an end of waste criteria.

As this is a relatively unusual situation, where a waste material is being used rather than aggregate, SEPA has considered the proposals nationally to ensure a consistent approach. The outcome was that the proposal is likely to require a Waste Management Licence on the basis that a recovery operation is taking place. An exemption would not fit these circumstances as the proposal involves land reclamation. This would mean that the Applicant would need to demonstrate 1) extent of works, 2) suitability for use and 3) requirements of other regimes.

Our recommendation is that only tyres produced to the PAS 108 standard should be used. We understand that the developer is looking at tyres from a site where there is no PAS 108 standard records. We also understand that in this case the tyre bales have been standing for longer than 12 months. Therefore even if they were originally PAS 108 they would no longer meet this standard and re-certification would need to be considered. If PAS 108 certified tyre bales are sourced from other sites, then these would be considered as meeting PAS 108

I believe I have answered all of SEPA's concerns. I feel that an EIA is no longer required. It would prove to be very time consuming and very expensive for Pentland Ferries and I am afraid that I cannot see what purpose it would serve other than "you must play the game!"

I request that the requirement for an EIA is removed. To that end I will be happy to meet with SEPA as I have stated in 1.1 above and hopefully this application can be brought to a speedy and satisfactory conclusion."



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**From:** ms.majorprojects@gov.scot  
**Sent:** 29 July 2018 17:42  
**To:** Redacted  
**Subject:** Marine Scotland - Licensing Operations Team - Major Projects

Thank you for contacting Marine Scotland - Licensing Operations Team – Major Projects.

We will endeavour to provide you with a response within 10 working days.

Should you wish to discuss something urgent, please call 0300 244 5046.

Applications will only be formally accepted and progressed when fee payment has been received.

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This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Redacted

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**To:** ms.majorprojects@gov.scot  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

Redacted

Dear

**Proposed Extension to Marshalling Area at St Margaret's Hope Pier, Orkney  
For Pentland Ferries**

Thank you for your e-mail with attachment from SEPA. I will now attempt to address SEPA's concerns.

Firstly it is important to understand the purpose of the proposed construction and also to understand the significance of the possible options for construction. As this ferry route now takes about 50% of all transport into Orkney and the present ferry is too small to cope with the quantity of traffic during the summer months, a new larger ferry has been ordered and is due for delivery within the next few months.

The greater carrying capacity of the new ferry will require a larger marshalling area for queueing traffic to prevent the main access road to the pier being used as part of the marshalling area. A new booking office located on the proposed extension will avoid passengers having to cross the pier access road to reach the existing booking office.

The proposed construction is in accordance with government policy regarding the use of recycled materials and the minimal use of freshly quarried material. The sheet piles will be recycled having been found surplus to requirements on another construction site. The compressed and baled tyres are considered to be a construction material and not a waste product and as such are being recycled for general benefit.

Using these compressed and baled tyres as general fill for the construction considerably reduces the quantity of newly quarried material required. It is government policy that the amount of newly quarried material should be reduced as much as possible and to this end the government has introduced an aggregate tax.

There are several options possible for the design of the marshalling area:

1. The marshalling area would be constructed as shown on the drawings accompanying the draft application for the marine licence with weep holes preventing the build up of water pressure behind the wall.
2. The above design could be modified eliminating all weep holes and all routes for seepage. This would prevent any possibility of leachate reaching the sea.
- 3 Baled tyres would not be used for fill. Quarried stone would be used instead contrary to the policy of the government. This would require a considerable amount of blasting and crushing of rock – both extremely unfriendly environmentally. A minimum trip of over 50 miles per lorry load of stone and the accompanying carbon and NO<sub>2</sub> emissions, again is hardly environmentally friendly.

In reply to SEPA's comments in their e-mail to Marine Scotland dated 2<sup>nd</sup> July, I comment as follows:

1.

- 1.1 I would normally welcome SEPA's proposal to meet and discuss the proposals in detail. I have had many meetings with SEPA officials over the last several years mainly as I have considered their stance on various subjects to be incorrect. On every occasion I have been met with lack of knowledge, lack of interest and a refusal to change their stance even when having been proved wrong. If SEPA's senior planning officer could guarantee that I would not be met with a similar attitude by the appropriate staff I consider that a face to face meeting would solve many problems which SEPA may have should the contents of this letter not be sufficient.

- 1.2 Of the three suggested designs above, suggestion 1 would appear unacceptable to SEPA. Suggestion 2, although in engineering terms is a poorer solution than suggestion 1, has the advantage that all fill is entirely encapsulated in concrete and there is no chance of any leachate reaching the sea. Suggestion 3 is a last resort design. Newly quarried stone should be used in as small quantities as possible.
- 1.3 Should the original design be adopted, I feel that a full EIA is beyond the remit of SEPA. Sections on transportation and on visual impact to name but two are outwith SEPA's remit. Possible disturbance to whales, dolphins, birds, flora and fauna are dealt with by SNH who appear to be happy with the proposals. Basically this leaves very little other than the possibility that some leachate may increase the amount of heavy metals present in a working harbour. This could be dealt with by reviewing the numerous reports and studies regarding the uses, disposal; and toxicity of tyres which I have to hand.
- 1.4 I note that SEPA welcomes the suggestion that an amendment to the design whereby all weepholes or flow paths are eliminated and the baled tyres are entirely encapsulated in concrete. As the design would ensure that no seepage of leachate could take place particularly as the base of the site is virtually impermeable as stated in my letter to Marine Scotland dated 4<sup>th</sup> July. It would appear that SEPA may look favourably on this design especially as it will be very easy to ensure lack of leachate. If this is SEPA's chosen design, there will be no requirement for the lengthy and time consuming review of reports and research documents mentioned in 1.3 above. Further if no leachate can escape from the concrete and steel encapsulation there can be nothing affecting the environment other than normal construction equipment working.
- 1.5 The proposals are designed to ensure that no pollution pathway exists to the wider environment. If, following the reading of this letter, SEPA still requires a structural report regarding the integrity of the encapsulation I will happily provide one.

The main aspects of such a report are:

- a. Pressure on the rear of the sheet piled and concrete composite wall. The main pressure will be due to full hydrostatic head of sea water which will have entered the construction area due to high tides and wave action during the construction phase. It will not be possible to pump this water out as it will have been in contact with the tyres. There will also be pressure from the fill material. This will be considerably less than the full hydrostatic head of the sea water at low tide. This is due to the angle of internal friction of the fill material and buoyancy in sea water. As SEPA will only know too well, in sewage treatment plant filter beds the angle of internal friction of the media reduces with age. This may happen to the fill material in the marshalling area due to the possibility of algal growth. As a precaution I have taken the angle of internal friction to be 50% of normal. If SEPA has any knowledge of a different reduction factor, I will be happy to incorporate it in the design.

There will be no pressure from the baled tyres. They will be "built" and will be free standing.

Temporary supports will be required for the sheet piling and concrete wall until the fill has reached the level of the tie rods and anchor blocks. The position of the anchor blocks depends on the angle of internal friction of the fill material. As they will only be required until the concrete deck slab is in position, the full angle of internal friction will be used and not the possible 50% reduction as mentioned above. The temporary supports should only be removed once the fill over the anchor blocks reaches its final level. During the construction phase prior to the casting of the deck slab, a surcharge allowance of 10kN/m<sup>2</sup> is used for the presence of construction plant.

The wall itself comprises steel sheet piling welded into panels acting as a composite reinforced concrete wall with 600 mm of concrete. The sheet piling cannot be driven due to it being welded into panels consequently it cannot be considered to be a cantilever wall at any stage of construction. The panels will be set into a concrete foundation up to 1.5 m deep in bedrock. The

completed wall will act like a beam spanning between the foundation and the reinforced concrete deck slab which will be tied into reinforcing U bars protruding from the top of the concrete wall.

During construction, the wall will span between the foundation and the temporary supports and once the structure is full it will span between the foundation and the anchor block tie bars. Only after completion of the deck slab will the anchor blocks become redundant. They will be left in position and act as an additional factor of safety.

- b. As stated in my letter of 4<sup>th</sup> July, the base of the construction is bed-rock and is considered to be virtually impermeable. Any silt which may still be present will be washings of boulder clay, again almost impermeable. No liner will be required.
- c. To prevent leaching into the existing adjacent structure, a concrete grout curtain will be cast between the proposed works and the existing. It will be taken 300 to 450 into the bed-rock. All drain holes from the existing structure into the new structure will be sealed.
- d. Vents will be formed at a high level to vent off any build up of gas which may take place due to rotting seaweed or similar which may have entered the construction during gale force winds. These will be placed well above the tide level.

E It may take as much as 12 months before the deck slab is cast. This will allow all settlement to take place. The baled tyres will be covered with a substantial layer of crushed stone and there will be no chance of UV light impact. During this period breaking waves and rainwater will enter the construction and will not be pumped away. This is allowed for in the design.

1.6 I cannot envisage the benefit of diverting surface water round the completed concrete structure. A small volume of water will come from the road compared with the volume of rainwater which will fall on the concrete surface. If SEPA actually meant ground water rather than surface water, there should be no problem as the adjacent land in the form of cliffs is again of Eday Marle with an overlayer of boulder clay, both virtually impermeable and ground water is non existent.

1.7 This is covered in 1.5 above.

1.8 The tyres will not be stored on site. On delivery they will immediately be built into the construction and covered in crushed stone. No UV light will impinge on the tyres after arrival on site. Any tyres suspected of not being baled to PAS 108 standard will be rejected.

1.9 I have sitting in front of me in excess of 200 pages of reports etc regarding toxicity etc of baled tyres. Unfortunately none of these refer to tyres completely encapsulated in concrete. The reports would only be useful if it was decided to proceed with the original design.

Until the concrete deck slab is complete high tide will be able to enter the construction and as such it is considered to be below the high tide mark. Only after the deck slab is cast, i.e. when the construction is complete with no chance of any additional material being added can it be considered that the high tide mark has been removed. At that stage it becomes a part of a working harbour and cannot possibly be considered as a waste disposal site. If at any stage it is to be considered as a waste disposal site and not a harbour installation, Orkney Islands Council would act as Planning Authority. I can almost guarantee that they would not grant planning permission for a waste disposal site there. Also St Margaret's Hope Pier Trustees would almost certainly object to that planning proposal.

With regards to the compressed and baled tyres being considered as a waste product rather than a construction material made from a waste product, is fly-ash concrete considered to be a waste product? Are the motor car factories licensed as waste disposal sites when they accept waste plastics to turn them into car bumpers? There are many more examples of waste materials being reused in a beneficial manner. It should be noted that the original fill for the marshalling area at St Margaret's Hope and the fill to the breakwater at Gill's Bay was dredged material and no-one ever suggested that either site should be considered as a waste disposal site. With old plastics and dredged material being recycled without their being considered waste products, why has SEPA picked on one product and declared it a waste product rather than a building material manufactured from a waste product?

I note that SEPA is internally discussing which regulations would apply in these circumstances. It would appear that they have decided that to call the construction site a waste disposal site is totally inappropriate and they are desperately trying to find any legislation which can be used to slow down or stop this development.

I believe I have answered all of SEPA's concerns. I feel that an EIA is no longer required. It would prove to be very time consuming and very expensive for Pentland Ferries and I am afraid that I cannot see what purpose it would serve other than "you must play the game!"

I request that the requirement for an EIA is removed. To that end I will be happy to meet with SEPA as I have stated in 1.1 above and hopefully this application can be brought to a speedy and satisfactory conclusion.

Yours sincerely

Redacted

**From:** ms.majorprojects@gov.scot [mailto:ms.majorprojects@gov.scot]

**Sent:** 03 July 2018 12:12

**To:** Redacted

**Cc:**

**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

Redacted

Dear

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Should you have any queries, please do not hesitate to contact me.

Kind regards,

Redacted

Marine Licensing Casework Officer  
Marine **Scotland** - Marine Planning & Policy

The Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

PLEASE NOTE I ONLY WORK MORNINGS.

Telephone: +44 (0) 1312 443 741

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Email:

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Website: <http://www.scotland.gov.uk/marinescotland>

**From:** Planning Aberdeen [mailto:planningaberdeen@sepa.org.uk]

**Sent:** 02 July 2018 09:48

**To:** MS Major Projects

**Cc:** Redacted

**Subject:** PCS/159608 RE: SEPA Response to Consultation Reference St Margaret's Hope - applicant's response & oil pollution plan 1/4

Dear Redacted

Thank you for your email of 13 June 2018 enclosing a letter of 6 June 2018 from Breck Environmental Consultancy Services to Marine Scotland and an Oil Pollution Contingency Plan, dated December 2016, which is part of the St Margaret's Hope Pier Trustees Safety Management System. We thank the applicant for providing further information. Please note our comments and further advice in response below.

**1. Further advice**

- 1.1 We note the comment regarding the public meeting on 7 May 2018. These meetings generally do not provide the level of detail required in this kind of proposal. We would be happy to meet with the applicant and Marine Scotland to discuss the above proposals in detail if this is considered helpful.
- 1.2 Our advice to date has been based on the information provided however we have not considered the information to be a finalised design. Typically a project can evolve through several design iterations as the proposal progresses through the planning system. We are happy to consider and assess amendments to the proposal as the project progresses.
- 1.3 We are committed to a sustainable approach to the management of waste and as such promote the environmentally acceptable management and appropriate reuse of waste material as close to source as possible. We also have a duty to protect the environment and human health from the effects of waste management and disposal. This is why in this particular case we have advised "With respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required."
- 1.4 We note and welcome the proposed change to the design "namely by removing all weep-holes from the structure, checking that it will be structurally sound if water is allowed to build up behind the wall and adjusting as necessary" and encapsulating the tyres "within the sheet-piled and concrete wall with no chance of any leachate from the tyres entering the harbour."
- 1.5 If the proposals are designed to ensure there is no pollution pathway to the wider environment in the long-term and if this could be demonstrated reliably then this would address some of the concerns regarding wider environmental impacts. To assist the applicant we have taken this opportunity to provide further advice in regard to this that would be required in support of any planning submission.
- 1.6 The full encapsulation of the tyre bales would prevent degradation products from the tyres entering the surrounding environment by this route, providing this could be ensured long-term. Surface water would also need to be diverted around the structure but we would expect information demonstrating this to be built into the design to be submitted in support of any planning submission.
- 1.7 In addition information would be required to demonstrate full encapsulation, for example whether the walls would go down to bedrock, or the base of the structure would have a concrete plinth or have a membrane, and full details of the design of these and long-term sustainability of this encapsulation.

- 1.8 As previously advised we have concerns about the impacts of UV light on tyre bales. Tyre bales that are degraded may fail and would be a danger to the structural integrity of the development. The certification of tyre bales to quality standard PAS 108 is not a service that we offer and it is up to the developer to ensure the bales are fit for purpose. In regard to this we would advise we have experience of proposals where tyre bales were split open, the contents examined and flawed tyres removed. Suitable tyres were re-baled in those cases to obtain re-certification to the PAS 108 standard. Information is required to establish what methodology is proposed to carry out such work and to re-certify the tyre bales to PAS 108 at the Guinea site.
- 1.9 In previous correspondence the consultant stated there were projects and case studies. We reiterate we would welcome reviewing these if they contain scientific data on the impact of tyre bales in a similar situation. If concerns about the environmental impact cannot be eliminated, then we would be happy to discuss further the design of an appropriate study taking into account the consultant's concerns about existing tyre impacts. As the area is a working harbour, we would not expect a pristine environment and a baseline study could be undertaken to establish current conditions. A study could focus on the known pollutants that would emanate from a tyre, such as zinc, hydrocarbons and micro plastics. A desk top study may be possible if sufficient scientific evidence exists to form a basis of such a study.
- 1.10 As previously mentioned, the point of high water will change when the sheet piling operation takes place. Tyre bales will then be placed above the new high water mark and the operation will fall under the remit of the Waste Management Licensing (Scotland) Regulations 2011 or possibly the Pollution Prevention and Control regulations. We are internally discussing which regulations would apply in these circumstances and will be able to advise further on this and any further regulatory requirements in regard to this in due course.

We trust this information is of assistance to you. However, if you have any queries relating to this, please contact me by telephone on 01224 266656 or email at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer

Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

Redacted

Please note that my regular work pattern is Monday - Thursday

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

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\*\*\*\*\*

Redacted

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**From:** ms.majorprojects@gov.scot  
**Sent:** 04 July 2018 10:40  
**To:** Redacted  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

Dear Redacted

Thank you for your prompt response. I will await your complete response before contacting SEPA for further comment.

We look forward to receiving your further response.

Kind regards,

Redacted

Marine Licensing Casework Officer  
**Marine Scotland** - Marine Planning & Policy

The Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

PLEASE NOTE I ONLY WORK MORNINGS.

Phone Line: Redacted  
Mobile: Redacted  
Email:

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)  
<http://www.scotland.gov.uk/marinescotland>

Website:



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**Sent:** 04 July 2018 10:25  
**To:** MS Major Projects  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

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Thank you for passing on the e-mail from SEPA. I find it encouraging, and hope that this means that we can work together with SEPA in a constructive and meaningful way to come to a satisfactory conclusion at an early date. As you will appreciate, harbour work invariably involves tidal work and if extreme low tides for example in this coming September are missed, this could hold up the construction for six or possibly 12 months.

Unfortunately as we are now in the middle of an extremely busy tourist season, there will be no room on the ferry to transport the baled tyres until September.

I am about to be away from the office for about 10 days and on my return I should be able to answer most of SEPA's concerns at greater length. In the meantime my comment is that the whole of the works will be founded on bedrock. The geological term is Eday Marle which is part of the Old Red Sandstone or Devonian sequence. It is a



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I am afraid I do not understand the term Guinea site in paragraph 1.8.

I will respond to the other concerns on my return.

Kindest regards

Redacted

**From:** ms.majorprojects@gov.scot [mailto:ms.majorprojects@gov.scot]  
**Sent:** 03 July 2018 12:12  
**To:** Redacted  
**Cc:** Redacted  
**Subject:** RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response 2

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Direct Line: Redacted

General Enquiries

Email:

[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)

Website: <http://www.scotland.gov.uk/marinescotland>



**From:** Planning Aberdeen [mailto:planningaberdeen@sepa.org.uk]

**Sent:** 02 July 2018 09:48

**To:** MS Major Projects

**Cc:** Redacted

**Subject:** PCS/159608 RE: SEPA Response to Consultation Reference St Margaret's Hope - applicant's response & oil pollution plan 1/4

Redacted

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Senior Planning Officer

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- 1.6 The full encapsulation of the tyre bales would prevent degradation products from the tyres entering the surrounding environment by this route, providing this could be ensured long-term. Surface

water would also need to be diverted around the structure but we would expect information demonstrating this to be built into the design to be submitted in support of any planning submission.

- 1.7 In addition information would be required to demonstrate full encapsulation, for example whether the walls would go down to bedrock, or the base of the structure would have a concrete plinth or have a membrane, and full details of the design of these and long-term sustainability of this encapsulation.
- 1.8 As previously advised we have concerns about the impacts of UV light on tyre bales. Tyre bales that are degraded may fail and would be a danger to the structural integrity of the development. The certification of tyre bales to quality standard PAS 108 is not a service that we offer and it is up to the developer to ensure the bales are fit for purpose. In regard to this we would advise we have experience of proposals where tyre bales were split open, the contents examined and flawed tyres removed. Suitable tyres were re-baled in those cases to obtain re-certification to the PAS 108 standard. Information is required to establish what methodology is proposed to carry out such work and to re-certify the tyre bales to PAS 108 at the Guinea site.
- 1.9 In previous correspondence the consultant stated there were projects and case studies. We reiterate we would welcome reviewing these if they contain scientific data on the impact of tyre bales in a similar situation. If concerns about the environmental impact cannot be eliminated, then we would be happy to discuss further the design of an appropriate study taking into account the consultant's concerns about existing tyre impacts. As the area is a working harbour, we would not expect a pristine environment and a baseline study could be undertaken to establish current conditions. A study could focus on the known pollutants that would emanate from a tyre, such as zinc, hydrocarbons and micro plastics. A desk top study may be possible if sufficient scientific evidence exists to form a basis of such a study.
- 1.10 As previously mentioned, the point of high water will change when the sheet piling operation takes place. Tyre bales will then be placed above the new high water mark and the operation will fall under the remit of the Waste Management Licensing (Scotland) Regulations 2011 or possibly the Pollution Prevention and Control regulations. We are internally discussing which regulations would apply in these circumstances and will be able to advise further on this and any further regulatory requirements in regard to this in due course.

We trust this information is of assistance to you. However, if you have any queries relating to this, please contact me by telephone on 01224 266656 or email at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer

Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

Redacted

Please note that my regular work pattern is Monday - Thursday

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

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Redacted

---

**From:** ms.majorprojects@gov.scot  
**Sent:** 07 June 2018 09:11  
**To:** Redacted  
**Cc:**  
**Subject:** Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - SEPA response to supplier

Redacted  
Dear

Further to our conversation on Tuesday, I can confirm that SEPA have provided a response to your supplier's email, which can be seen below.

Should you have any queries, please do not hesitate to contact me.

Kind regards,

Redacted

Marine Licensing Casework Officer  
**Marine Scotland** - Marine Planning & Policy

The Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

PLEASE NOTE I ONLY WORK MORNINGS.

Direct  Redacted  
[ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)  
<http://www.scotland.gov.uk/marinescotland>



**From:** Planning Aberdeen [mailto:planningaberdeen@sepa.org.uk]  
**Sent:** 06 June 2018 13:56  
**To:** MS Major Projects  
**Cc:** Redacted  
**Subject:** PCS/159280 RE: SEPA Response to Consultation Reference St Margaret's Hope

Dear Redacted

Thank you for your email of 23 May 2018 enclosing comments received from the applicant's tyre provider in response to SEPA's comments on the above proposal. Please note our advice below.

Thank you for the response regarding the proposed development at St Margaret's Hope. The author of the response states there are dozens of case studies available. In compiling the response, we conducted a search of what was publically available. One report, based on a marine project, suggested there had been an increase in the levels of metals such as zinc and cadmium in the nearby marine environment but that it was not at a level that caused concern. However, the quantity of bales used in this project was much less than what is proposed in Orkney therefore there is a concern that levels of metals might increase to levels that were of concern. We note the applicant has knowledge of other relevant studies which includes monitoring data and we would be happy to review these.

Studies that are relevant to the proposed development would be most useful so we can gain a better understanding of the effects on the inter-tidal and local marine environment. Also details if studies that have been undertaken indicate whether the relevant authorities in these cases had concerns over the potential environmental impacts of such developments.

The author states there is no need to engage in further studies as the information is already available. We would be grateful if the responder could share this information by providing copies of the studies or details of where they can be readily accessed.

#### **Appendix 5 (c)**

Regulatory statement 085 is an Environment Agency of England statement and is not adopted in Scotland. Therefore, the storage of tyre bales requires a waste management licence or relevant waste management licence exemption.

Schedule 1 of The Waste Management Licensing (Scotland) Regulations 2011 (as amended) contains a full list of exemptions from the requirement to hold a waste management licence. Please note that the Waste Management Licensing (Scotland) Regulations 2011 were amended in 2016 and as a consequence Paragraph 11 and Paragraph 17 exemptions are no longer applicable to recovery activities for waste tyres.

Exempt activities must be carried out in accordance with the relevant provisions of the Waste Management (Scotland) Regulations 2011 (as amended), including the relevant objectives and any other conditions attached to the exemption in question.

Please note that any breach of the conditions/limitations of the terms of an exemption means that the activity is no longer considered as exempt and enforcement action may be taken for carrying out a licensable waste management activity without a licence. If SEPA regards the activity as a disposal activity, then enforcement action could be taken for illegal landfilling without the necessary Pollution Prevention and Control permit.

If tyres are to be stored or used in circumstances that are not covered by the exemptions detailed below, an appropriate permit or licence will be required.

#### **Para 15 - Beneficial Use of Waste without Further Treatment**

**What does it cover** - The beneficial use of waste if it is put to that use without further treatment and that use does not involve its disposal. Currently, the only identified acceptable uses for waste tyres under this exemption are as anchors on covers in silage clamps (agriculture) or as safety/crash barriers for Go-Kart or Motor Racing tracks.

**Registration Requirements & Fees** - Needs to be registered with SEPA but no fee is required.

**Points to Note** - Does not apply to the use or storage of baled or size reduced waste tyres. Nor does it cover the use or storage of waste tyres if the use/storage falls within the description of a paragraph 19 exemption i.e. it does not cover activities that would be regarded as 'relevant works'.

#### **Para 19 – The Use of End of Life Tyre Bales for “Relevant Works”**

**What does it cover** – Includes the storage of no more than 100 tonnes of waste tyre bales at any one time, where that waste is suitable for the purposes of 'relevant work' to be carried out on that site. Where the waste is not produced on the site it cannot be stored there for longer than 6 months. The quantity of waste tyre bales, stored at any one time must be no more than is required to complete the work. Tyres must meet PAS 108<sup>(1)</sup>.

**Registration Requirements & Fees** - Needs to be registered with SEPA. A fee is required. Information on the current charge for this exemption is available on the SEPA website.

**Points to Note** - in addition to the criteria explicitly required by the Regulations, SEPA can request additional information it 'reasonably requires' under the terms of paragraph 25(2)(b) to the Waste Management Licensing (Scotland) Regulations 2011. This will vary from use to use however in the terms of the acceptable use of Tyre Bales the following information will be required:

- A structural engineering report validating the use of the Tyre bales in terms of their engineering properties and suitability for the specific project
- The intended life-span of the structure

SEPA Officers will also consider, in the context of the relevant objectives, whether local conditions such as geology, topography, proximity to sensitive receptors etc., require specific or other design consideration when deciding on the acceptability of a suggested activity/end use for inclusion under a paragraph 19 exemption.

#### **Para 40 – Secure storage of non-liquid waste other than at the place of production**

**What does it cover** – the storage of no more than 50 cubic metres of waste tyres, for up to 3 months, at any other place than the premises where it is produced, if the person storing the waste tyres is the owner of the place where it is being stored or has the consent of the owner.

This exemption does not apply to where such storage occurs at a place designed or adapted for the reception of waste with a view to its being disposed or recovered elsewhere. Furthermore storage must be incidental to collection or transport of the waste.



SEPA's interpretation of the Waste Management Licensing (Scotland) Regulations 2011 is such that the use of this exemption is limited to establishments and undertakings that bulk up their own waste prior to collection (e.g. mobile tyre fitter takes waste tyres back to his/her own depot where they bulk them up for collection). It would not apply to those that are in the waste management business (i.e. their business involves picking up and/or handling other peoples waste)."

#### **Para 41 – Temporary storage of waste at site of production**

**What does it cover** – the storage of waste tyres, for up to 12 months, at the site of production, pending their collection (e.g. waste tyres produced at a garage or tyre fitter).

This exemption does not apply to the storage of waste at a place designed or adapted for the recovery of scrap metals or the dismantling of waste motor vehicles.

#### **Additional Comments**

The carbon footprint of the proposed project is of concern to SEPA. Further evidence weighing up the relative carbon emissions would be useful. This should balance the merits of using the tyre bales in Orkney versus transportation of the tyre bales to an alternative site and sourcing local aggregate instead.

An Environmental Impact Assessment would cover the assessment of all the issues raised.

#### **SEPA's regulatory Position**

Following discussion with Marine Scotland, we understand that the proposal is to sheet pile an area prior to backfill with tyre bales and other materials. If the sheet pile operation effectively keeps seawater out of the construction area then this moves the high water mark to the edge of the sheet pile. The waste tyre bales are then being placed above high water and should come under the remit of the Waste Management Licensing Regulations 2011.

In these circumstances the developer will need to apply to SEPA for a waste management licence or relevant waste exemption. SEPA are currently discussing what would be appropriate in these circumstances. However, if the applicant can provide details of studies already conducted we would be happy to consider these.

We are supportive of sustainable development in the right place and of the right design and quality, having regard to national planning policy and legislation, so that the environment is suitably protected and enhanced. As referenced above we would welcome receipt of any relevant studies and are happy to liaise with the developer as the proposal progresses to ensure the development meets these requirements.

We trust this information is of assistance to you.

Regards,

Redacted

Senior Planning Officer

Redacted

, Aberdeen, AB11 9QA

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

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**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire, IV14 9AZ**  
Redacted

6 June 2018

Redacted

Ms  
Licensing Operations Team,  
Marine Scotland.

Dear ] Redacted

**Extension to Marshalling Area**  
**St Margaret's Hope Pier, Orkney**

I enclose my comments regarding the pre application consultation together with copies of letters received from the consultees.

I consider that the "pre-application consultation" period has been a waste of three months. Both SEPA and Orkney Islands Council ( a non-statutory consultee who were sent a copy of the draft application out of courtesy) have either failed to understand or have ignored the fact that this was a pre-application consultation.

Neither body attempted to contact me regarding possible alterations to the design which would have made it acceptable to all parties and neither body sent a representative to the public meeting where a meaningful discussion could have taken place.

Both parties wrote directly to Marine Scotland with comments based on the assumption that this was the final design, and immediately asked for an EIA to be carried out. Orkney Islands Council even asked for a new footway to be constructed which, judging by the content of their own letter, they would be bound to object to.

I am very disappointed that Marine Scotland has decided that an EIA is necessary based on the letter from SEPA regarding the use of baled tyres and without giving the opportunity to possibly change the design to keep SEPA happy.

I see no benefit in carrying out an EIA as I cannot envisage SEPA changing their decision regardless of the findings of the EIA. All that will have happened is that we will have wasted several more months and many thousands of pounds producing a document which will be ignored. During this time the tyres would undoubtedly have been sent to India to be incinerated – not in my backyard. Is this what SEPA wants?

If they are not prepared to change their decision based on my enclosed letter, will they be prepared to change their decision if the design is changed slightly, namely by removing all weep-holes from the structure, checking that it will be structurally sound if water is allowed to build up behind the wall and adjusting as necessary? The tyres would thus be completely

encapsulated within the sheet-piled and concrete wall with no chance of any leachate from the tyres entering the harbour.

The minor change in design would make the construction much less expensive as the use of clean crushed stone used as drainage layers would be removed as would the geotextile filter fabric. The voids between the bales would then be filled with scalpings, quarry redd or dredged sand/silt. This would prevent the movement of any contaminants within the structure making it virtually impossible for any leachate to enter the harbour.

If this is not acceptable to SEPA perhaps they could have some positive input instead of everything being negative; a bit of dialogue would be helpful.

I believe that the oil pollution prevention plan for St Margaret's Hope Pier and a letter to Mr Banks from the supplier of the baled tyres may have been sent directly to you by Kathryn Scollie of Pentland Ferries. If you have not received either of the above please let me or Kathryn know.

If SEPA is happy with the above proposal and is prepared to drop their demand for an EIA, I understand that I may have to request a further or revised screening opinion.

I look forward to hearing from you at an early date.

Yours sincerely

Redacted

**Breck Environmental Consultancy Services**  
**Summerhill**  
**Strathpeffer, Ross-shire, IV14 9AZ**  
Redacted

6 June 2018

Redacted

Licensing Operations Team,  
Marine Scotland.

Redacted  
Dear

**Screening opinion under part 2, regulation 11 of the Marine Works (Environmental Impact Assessment)(Scotland) Regulations 2017 (as amended).**

**Extension to Marshalling Area at St Margaret's Hope Pier, Orkney.**

Thank you for the copy of the letter to Mr A Banks of Pentland Ferries dated 5<sup>th</sup> June 2018. I note from the letter and as discussed with you this morning (5<sup>th</sup> June) on the telephone that based on a consultation with SEPA you require an EIA. I am disappointed that you came to this decision before I could comment on SEPA's letter to you.

A public meeting was held on 7<sup>th</sup> May at St Margaret's Hope where the proposals would have been explained in detail and a site visit organised. SEPA did not send any representative to the meeting. Had they done so most of their concerns could have been discussed and a satisfactory conclusion reached.

In reply to SEPA's letter Appendix 1, I would comment as follows:

- 1.1 The present design allows for the baled tyres to be entirely within a structure comprising a steel sheet piled outer wall with a 600mm thick inner concrete wall and a concrete deck slab on top. The voids between the tyres will be filled with clean gravel/ crushed stone. It is intended that weep holes would be left at the base of the wall to prevent a build up of pressure on the back of the wall due to the rise and fall of the tide. A geotextile filter fabric will be provided to prevent any silt etc from being washed out through the weep holes.

As SEPA is concerned that leachate from the baled tyres may have an environmental impact on the bay an obvious way to prevent this would be to make the wall slightly stronger so that water pressure on the inside of the wall would not affect its stability and to remove any form of drainage from the design.

In this case it would not be possible for leachate to escape from the entirely sealed containment and SEPA would have no reason to object on these grounds.

- 1.2 If SEPA is concerned regarding the quality of tyre bales after being subjected to uv light we will be perfectly happy for SEPA to inspect the bales before shipping and reject any

bales which may not be to the standard that they think acceptable. Similarly, after the bales are delivered to Orkney, we will be happy for a suitably qualified inspector from SEPA to inspect the bales and reject any ones which he/she deems unsuitable before they are placed in the construction. It should be noted that as this will be on a construction site, the inspector will be required to undertake the site induction.

- 1.3 As per 1.1 above. If necessary the tyres will be placed within a sealed sheet piled and concrete construction.  
A letter recently sent to you from the supplier of the baled tyres via Pentland Ferries sets out case studies where the tyres have been used. I understand that SEPA have ignored the contents of the letter.
- 1.4 SEPA has recommended that a study is undertaken on the likely short and long term effects of a project of this scale.  
How long a study is required for long term effects? Years? Decades? Or do they mean a desk-top computer study?  
As this is a working harbour there is considerable debris etc from worn tyres present. All of the small fishing vessels use old vehicle tyres as fenders. The pier itself has several sections of "D" rubber as fenders for the ferry to rub against, also a considerable number of old tyres are used as fenders at the point of the pier. There are approximately 20 or 30 slewing movements by articulated trailers on the marshalling area every day. All of these fenders and tyres are subject to uv radiation all day and every day and are then subject to severe rubbing against the ferry or the pier. It would be extremely difficult to detect any contamination emanating from the baled tyres especially if the weep holes are eliminated from the design compared with the contamination present due to tyres etc being used as fenders and from rubber worn from the tyres of slewing articulated trailers.
- 1.5 From 1.4 above, it is considered that a monitoring programme would serve very little purpose, nevertheless I will be happy to discuss one with SEPA.
- 2.1 The bales will not be stockpiled at St Margaret's hope.
- 3.1 The construction machinery on site will be one excavator and as required one concrete mixer truck. This is hardly a large and complex operation.  
The excavator will be refuelled off-site in a specifically designated area as will the concrete mixer truck. Pentland Ferries has immediately to hand an oil-spill kit which can be utilised within seconds should a minor spill either from the construction plant or a vehicle waiting on the marshalling area occur.  
A major fuel spill, for example, should the fuel tanks of the excavator suddenly burst open, the oil spill emergency procedure for St Margaret's Hope Pier will be utilised. I believe that Pentland Ferries has sent you a copy of this document (some 200+ pages) directly.
- 4.1 As stated in the draft application.
- 5.1 We are pleased that SEPA is using common sense engineering as regards flooding rather than a pedantic 1 in 200 year event level + an allowance for wave run up.

## Conclusion

With regards to the above, we request that SEPA withdraws its requirement for an EIA. From 1.4 and 1.5 above it can be seen that any possible pollution from the baled tyres would be negligible compared with the pollution caused by the day to day running of the harbour operation and virtually impossible to monitor.

We would be prepared to eliminate the weep holes from the design and strengthen the retaining wall if calculations prove it to be necessary thus eliminating any possibility of leachate from the baled tyres entering the harbour.

Should SEPA consider this to be a suitable solution we will request a further screening opinion if it is considered necessary.

There is more than adequate cover for any type of oil spill.

#### Response to consultation from SNH

We are pleased that SNH are happy with the otter study which was carried out in 2016 and assure them that all work will be carried out in accordance with the advice given in that document.

#### Response to consultation from HES

Again we are pleased that HES has no objection to the proposals and we will be happy to work with them if required.

#### Response to consultation from NLB

They have no concerns.

#### Response to consultation from MCA

MCA will not comment at the pre-application stage but will await the final application when they will be contacted directly by Marine Scotland.

They wish to see the comments by the Coastguard, RNLI, the local boat users and OIC as Harbour Authority.

None of the above attended the public meeting on 7<sup>th</sup> May and we have had no comment from any of them.

Orkney Islands Council is not Harbour Authority for St Margaret's Hope Pier. It is the St Margaret's Hope Pier Trustees that is the Harbour Authority. They have made no comment either as Harbour Authority or as local boat users.

#### Response to consultation with Orkney Islands Council Development and Infrastructure.

Orkney Islands Council Development and Infrastructure and Harbours Department were invited to the public meeting held in St Margaret's Hope on 7<sup>th</sup> May. No representative from Orkney Islands Council appeared at the meeting. Had anyone appeared at the meeting all of their concerns could have been addressed which would have saved them the bother of writing their consultation response.

My comments are as follows:

- Construction methods i.e. one excavator handling materials and not even excavating hard rock will produce considerably less vibration and noise than the loading and unloading of articulated vehicles on to the ferry and parking them on the marshalling area. In all probability the noise and vibration will be less than that produced at the current excavation in and adjacent to Cromarty Square. Did that contractor have to provide an assessment of the effects of his work on cetaceans, seals etc? I suspect not.
- The nearest house is from 300m to 400m from the site. As this house belongs to Mr Banks, even if he could hear the excavator working at that distance, I doubt if he

would be at all concerned. The excavator working adjacent to Cromarty Square is considerably nearer to his house and he has not commented.

- We have no knowledge of any birds mentioned nesting in the vicinity of St Margaret's Hope Pier. Had a representative from Orkney Islands Council attended the public meeting they could have pointed out where they considered any of these species nested and discussed the best way to protect them from the construction of the marshalling area extension. Should any of these birds actually nest near the pier I would be very surprised if one excavator would upset them any more than the one currently at Cromarty Square.

It would appear that the author of the letter from OIC has lost all sense of scale expecting a survey regarding loss of or damage to supporting habitats for their prey species and then asking for a benthic survey to identify Priority Marine Features. The proposed development is considerably less than half the size of a football pitch. This compares with an area in excess of 150 square kilometres which is Scapa Flow. A benthic survey would show that the seabed comprised a thin layer of silt overlying Eday marl and covered with debris from old or disused fishing vessels. This is hardly the sort of area that could be called a supporting habitat. (See photographs attached to draft application)

- I note that the otter study is about two years old. Its findings were no different from the one carried out in the early 2000s. There has been no indication of an influx of otters in the last two years and as SNH are happy with the 2016 report, I see no reason for non-professionals in that field to request one.

- Flooding. As stated in the draft application at times of extreme storm surge and high tide, the road to the pier and the proposed marshalling area will be covered by the tide. Under these conditions, the ferry will not operate and no-one will use the flooded road. Even SEPA are happy with this.

As regards the new works causing any additional flooding, their construction will in fact prevent it over a certain part of the access road to the pier. With an extreme high tide and an on-shore wind, any waves will break against the sheet piled wall and not against the stone wall at the road thus saving spray and breaking waves from overtopping the present sea-wall.

As the tidal stream in St Margaret's Hope bay is non-circular but tends to be straight in and out, the proposed construction will have no effect on the tidal wave reaching the exposed part of the village. It will have no more effect than that caused by vessels presently moored at the existing marshalling area.

- The traffic assessment is that the excavator will be brought on to site by ferry. The cement and baled tyres will be brought to site by ferry. Concrete will be mixed at the north side of the pier. None of this has any effect on the public road. Depending on cost, aggregate may be delivered by road or alternatively by ferry.
- The traffic assessment is that a maximum of 100 cars and 9 articulated vehicles will use the marshalling area at any one time. This could be up to three times a day.
- No new access will be permitted from the public road.
- The existing road drainage will not be affected.
- Pedestrians do not walk from Cromarty Square to the ferry terminal. A bus stops at the terminal.

The construction of a walkway would require the infilling of a further 1000 m<sup>2</sup> + of the bay. It would be very difficult to fully contain baled tyres over that length of footway should that be the permitted option.

- We do not anticipate any damage to the public road.



Should an EIA be required many of the suggestions by OIC should be screened out.  
Orkney Islands Council is not planning authority for marine works in St Margaret's Hope.  
St Margaret's Hope Pier Trustees is planning authority for marine work and as such we have no intention of submitting an application to Orkney Islands Council for the extension of the marshalling area.

The booking office however, does not count as marine works and once the licence has been issued for the extension to the marshalling area, a planning application and building warrant application will be applied for.

Application under CAR will also be made to SEPA for the treated sewage outfall from the office.

I note that OIC Development Management does not consider this to be an EIA project.

I trust this answers all your queries.

Yours sincerely

Redacted



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email to:  
[MS.MarineLicensing@gov.scot](mailto:MS.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](mailto:HMConsultations@hes.scot)

Our ref: AMN/18/R  
Our case ID: 300027253

10 April 2018

Dear Redacted

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Pentland Ferries - Extension to Marshalling Area - St Margaret's Hope  
Request for Screening Opinion

Thank you for your consultation which we received on 22 March 2018 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.

Your 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.

#### **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 can confirm that there are no scheduled monuments or other nationally important designated historic environment assets within our remit in the vicinity of the proposed development. We are content that significant direct and indirect impacts are unlikely.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Katie Rowe and they can be contacted by email on [katie.rowe@hes.scot](mailto:katie.rowe@hes.scot).

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

Redacted

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Redacted

**From:**

18 May 2018 17:15

**Sent:**

MS Major Projects

**To:**

**Subject:**

RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area - St Margaret's Hope, Orkney - Consultation on Request for Screening Opinion - Response Required by 12 April 2018

Redacted

Thank you for your further email.

In accordance with regulation 10(5), Orkney Islands Council has considered this proposed development and completed an assessment of the significance of potential environmental impacts, and can offer a view that the proposed works are not an EIA project.

We would recommend that the points stated in our previous response are included in any application.

)  
Regards

Redacted

Planning Manager - Development Management  
Planning, Development & Regulatory Services  
Redacted  
Orkney Islands Council, Orkney, KW15 1NY

Redacted

---

**From:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Sent:** 09 May 2018 10:20  
**To:** MS Major Projects  
Redacted  
**Cc:**  
**Subject:** RE: SEPA Response to Consultation Reference St Margaret's Hope

Redacted  
**Dear**

Thank you for your email of 8 May 2018, in follow up to our letter of 27 April 2018 (our reference PCS/158102). With respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required.

We are reviewing our standing advice and will advise by separate cover on this.

) Regards,

Redacted

Senior Planning Officer  
Redacted SEPA Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

Redacted

Redacted

Marine Licensing Officer  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

27 April 2018

Redacted

By email only to:

Redacted  
Dear

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")  
Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling  
area - St Margaret's Hope, Orkney**

Thank you for your consultation emails on the above proposal. In addition we have received an email from the agent, Robert Cross of Breck Environmental Consultancy, on 19 March 2018 enclosing a draft application. As such we have done one response to address the aspects of the proposals relating to our interests.

We do not provide site specific advice on Marine Licence proposals. Instead, please refer to our standing advice on marine consultations within guidance document SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations. As per Section 2.3 of this advice we do not require consultation "on EIA at any stage. Please consider our standing advice in Section 3 and Table 1 as SEPA's consultation response."

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

In regard to site specific issues not covered by our standing advice, as you may be aware, we previously provided advice on the use of tyres for the previous extension area and have taken this opportunity to provide advice on this in Appendix 1 below for this application. In addition we have also provided advice on other aspects of the proposal, such as flood risk and drainage, to assist the applicant.



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

SEPA Aberdeen Office  
Inverdee House, Baxter Street  
Torry, Aberdeen AB11 9QA  
tel 01224 266600 fax 01224 896557  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

Details of regulatory requirements and good practice advice for the applicant can also be found on the Regulations section of our website. If the applicant is unable to find the advice they need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Norlantic House, Scotts Road, Hatston, Kirkwall, Orkney, KW15 1GR - Tel: 01856 871080

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer  
Planning Service

Ecopsy to Redacted

Breck Environmental Consultancy, [REDACTED]

Redacted

---

**From:** Planning Aberdeen <planningaberdeen@sepa.org.uk>  
**Sent:** 09 May 2018 10:20  
**To:** MS Major Projects  
**Cc:** Redacted  
**Subject:** RE: SEPA Response to Consultation Reference St Margaret's Hope

Redacted  
Dear

Thank you for your email of 8 May 2018, in follow up to our letter of 27 April 2018 (our reference PCS/158102). With respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required.

We are reviewing our standing advice and will advise by separate cover on this.

Regards,

Redacted

Senior Planning Officer  
Planning Service. SEPA. Inverdee House. Baxter Street Torry, Aberdeen, AB11 9QA  
Redacted

For our planning guidance, please visit [www.sepa.org.uk/environment/land/planning](http://www.sepa.org.uk/environment/land/planning)

## **Appendix 1**

### **1. Use of baled tyres**

- 1.1 We note the proposed use of PAS 108 tyre bales. Our recent conversations with Pentland Ferries have indicated that 7,000 tyres bales will be required. This is equivalent to approximately 800,000 car tyres. Car tyres are not considered an inert waste and indeed contain oils and metals in their construction. Whilst their use in limited amounts is potentially negligible in terms of environmental impact, we are concerned what the long term impacts on the local environment are from this quantity of tyre bales in a concentrated area.
- 1.2 We understand that the tyre bales are to be sourced from a site in the Scottish Central belt. These tyre bales are known to have been at this location for quite some time and that the site where they lie is currently in the hands of an administrator. Tyre bales are subject to degradation from UV light. The applicant should ensure that the bales are still fit for purpose. Quality standard PAS 108 for tyre bales has quality control procedures detailed within it. It is understood that the tyre bales at this site were originally made to the PAS 108 standard but the records of this are no longer available. It is recommended that the bales are retested and certified to the PAS 108 standard, prior to use.
- 1.3 It would appear from the project proposal that the tyres will be protected on the seaward side by a 600mm concrete wall but that underneath the construction will be based on the shore/sea bed mainly in the intertidal zone. Drainage will be incorporated. We are aware of limited studies that have taken place into the fate of tyre bales but not on a site of this scale. It is known that Poly Aromatic Hydrocarbons, Zinc, Cadmium, Lead and other metals are present in tyres and there would be concern if these leached from the site in quantities that affected the local environment.
- 1.4 We would recommend that a study is undertaken on the likely short and long term effects of a project of this scale before permission is granted to use this quantity of tyre bales. Should permission be subsequently granted then appropriate environmental monitoring should be undertaken to measure concentrations of possibly contaminants in the environment. This should continue for some time after construction has been completed. Control sites should be included.
- 1.5 As St Margarets Hope is a working harbour the current environment is unlikely to be pristine. Some baseline data would also be advised so we have some comparative figure to assess against. We would be happy to discuss and help develop a monitoring programme in more detail should this be required.

### **2. Appendix to paragraph 5(c)**

- 2.1 We note the comments on stockpiling of tyre bales. There are no premises licenced that would allow the storage of tyre bales on any adjacent premises in the St Margarets Hope area. Changes in regulations several years ago now means that a full Waste Management Licence would need to be in place before any stockpiling could commence. A waste Management Licence would require the site to be secure, contain fire breaks amongst others conditions to protect the environment and human health. The licence holder would also need to be considered a fit and proper person and site management would need to prove their technical competence. The period of time from receiving an application to granting or refusing a licence is four months. Storage of tyre bales without a Waste



Management Licence in place is an offence under Section 33 of the Environment Protection Act 1990. In pre consultation with the applicant we have informed them of the requirement for a Waste Management Licence and that without there being certainty of use, it is unlikely that a licence would be granted until the Marine Licence was approved.

**3. Construction Health and Safety Plan**

- 3.1 There is no mention of a procedure for what to do in the event of an environmental incident or any environmental monitoring. For a project of this size and complexity it would be reasonable to undertake routine procedure and monitoring for oil spill, silt releases, dust emissions or other potentially polluting activities. Procedures should include mitigation measures and reporting procedures in the event of an incident. Environmental monitoring and awareness should be part of the toolbox talk process to ensure operatives are aware of the dangers in any operation they are undertaking. Any temporary oil storage should be in compliance with Controlled Activities Regulations.

**4. Controlled Activities Regulations (CAR)**

- 4.1 The discharge from the Sewage Treatment Works, to serve the proposed office and cafeteria, will require a Controlled Activities Regulation licence or registration depending upon the projected population equivalent.

**5. Flood risk**

- 5.1 We note that a concrete slab will be constructed on top of the extension with a hand rail. The still water flood level is 3.75m Above Ordnance Datum (AOD) for the area and we have a recorded flood level from 2005 of 3.49m AOD. Scottish Planning Policy states development like this should be designed to "remain operational during floods" but as it is unlikely the ferry would be operating in anything approaching these conditions and the road to the terminal would be flooded there is no practical reason for making the marshalling area a particular height. Therefore we have provided this for your information only and we have no requirements in terms of design heights.

Redacted

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**From:** NORTH <NORTH@snh.gov.uk>  
**Sent:** 09 February 2018 10:35  
**To:** Redacted  
**Subject:** RE: 05972 - Pentland Ferries Limited - Extension to Marshalling Area, St Margaret's Hope, Orkney - Final Licence  
**Attachments:** RE: 05972 - Pentland Ferries - Extension to Marshalling Area - St Margaret's Hope, Orkney - Consultation - Response Required by 6 July 2016

Dear Redacted

Thank you for your email regarding the extension of a marine licence.  
We would refer to our original response (attached) and remind the applicant to note and adhere to the recommendations made in the otter report (p15-16) of measures that should be taken on site to ensure full safeguard of otter.

If you require any further advice, please do not hesitate to contact me.

Regards,  
Redacted

Redacted

Operations Officer  
Scottish Natural Heritage  
The Links  
Golspie Business Park  
Golspie  
KW10 6UB

Redacted

**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.

Redacted

---

**From:** ms.majorprojects@gov.scot  
**Sent:** 05 June 2018 08:46  
**To:** Redacted  
**Subject:** Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area phase 2 - St Margaret's Hope, Orkney - Screening opinion  
**Attachments:** Pentland Ferries - Screening Opinion - final.pdf

Good morning,

Please find attached screening opinion for the proposal to extend the marshalling area at St Margaret's Hope, Orkney.

Should you have any queries, please do not hesitate to contact me.

Kind regards,

Redacted

Marine Licensing Casework Officer  
**Marine Scotland** - Marine Planning & Policy

The Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

PLEASE NOTE 1 ONLY WORK MORNINGS.

Direct Line: Redacted

General Enquiries:  
0800 18 18 18

EMAIL: [ms.majorprojects@gov.scot](mailto:ms.majorprojects@gov.scot)  
<http://www.scotland.gov.uk/marinescotland>



Redacted

**From:**  
**Sent:** 20 March 2018 11:12  
**To:** MS Major Projects  
**Subject:** Marine Licence Application

Dear Sirs

**Pentland Ferries, St Margaret's Hope, Orkney**  
**Proposed Extension to Marshalling Area at St Margaret's Hope Pier**

### Screening opinion Request

I have recently sent a draft marine licence application for the above proposed works to the Marine Laboratory. I have also sent copies to SEPA, SNH, MCA, NLB and Orkney Islands Council for pre-application consultation with a public meeting scheduled for 7<sup>th</sup> May.

I now request a screening opinion as per Regulation 10 of the 2017 MW regulations.

Redacted

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**From:** Redacted  
**Sent:** 20 JUNE 2016 11:20  
**To:** MS Marine Licensing  
**Subject:** RE: 05972 - Pentland Ferries - Extension to Marshalling Area - St Margaret's Hope, Orkney – Consultation – Response Required by 6 July 2016

Redacted  
Dear

**05972 - Pentland Ferries - Extension to Marshalling Area - St Margaret's Hope, Orkney**  
**SNH ref CNS/MSA/ORK/Part 4 Marine Licensing – South Isles (CLC141631)**

Thank you for consulting SNH on this application for a Marine Licence with respect to proposed works to extend Pentland Ferries' marshalling area at their terminal at St Margaret's Hope in Orkney. As previously advised, in our response of 9<sup>th</sup> February to your earlier EIA screening consultation, we consider that the scale, location and nature of the proposed works is such that risk of significant impacts on the natural heritage is minimal and can readily be avoided.

We advised on the need for an otter survey to ascertain whether a species protection plan would be required in support of the application. Otters are European Protected Species (EPS) and as such both they and their resting and breeding sites are strictly protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). I have reviewed the report of the otter survey carried out by NDR (Environmental Services) on 8<sup>th</sup> April 2016 and am satisfied with its conclusions that there is minimal likelihood of impact on otters, such that a bespoke species protection plan will not be required. The applicant should however note and adhere to the recommendations made in the otter report (p15-16) of measures that should be taken on site to ensure full safeguard of otter.

Should you require any further advice, please contact me in the first instance.

Best wishes  
Redacted

Operations Officer, Orkney, NINH

**Direct Dial 01856 886156 Kirkwall Office 01856 875302**

## DEVELOPMENT AND INFRASTRUCTURE

Executive Director: <sup>Redacted</sup> BSc Hons, MSc URP, MRTPI  
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: (01856) 873535  
Fax: (01856) 876094

Website: [www.orkney.gov.uk](http://www.orkney.gov.uk)  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



10 May 2018

Marine Scotland  
Marine Laboratory  
PO Box101  
375 Victoria Road  
Aberdeen  
AB11 9DB

Dear Sir/Madam

**18/173/MARCON**

**Site - Extend marshalling area at ferry terminal, St Margaret's Hope**

Thank you for consulting Orkney Islands Council (OIC) on the proposal to extend the marshalling area at the ferry terminal, St Margaret's Hope.

I have consulted internally within the OIC. The following matters have been raised and I would be grateful if you would take account of these in your consideration of this proposal. All, consultation responses are available to view at the following website address:

[http://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) (then enter the application number given above).

- Construction methods are likely to lead to noise and vibration; therefore, assessment should be undertaken of the effects on seals and cetaceans (European Protected Species). The assessment findings should determine any requirement for species licencing. Where appropriate, species protection plans should be prepared to minimise the risk of disturbance to marine mammals.
- Due to the proximity of the development to residential properties construction methods have the potential impact on residential amenity through noise, dust etc, these impacts should be fully assessed and appropriate mitigation identified.
- The St Margaret's Hope pier and marshalling area are located within the Scapa Floe proposed SPA (pSPA) which is designated for breeding Red-throated diver and non-breeding Black-throated diver, Common eider, Common goldeneye, European shag, Great northern diver, Long-tailed duck, Red-breasted merganser and Slavonian grebe. The coastal boundary of the pSPA follows mean low water springs (MLWS). Permanent man-made hard structures that protrude from land, for example piers, ferry terminals, slipways and docks within statutory limits, are excluded from the pSPA; however, the effects of all new development, expansion proposals and/or intensity of use should be assessed. The assessments should consider disturbance to bird species and loss of, or damage to, supporting habitat for their prey species.
- The benthic survey should also determine the seabed habitat and identify any Priority Marine Features in the wider area that could be impacted by the proposed development.
- An up-to-date survey should be undertaken to determine any otter (European Protected Species) usage within the surrounding area, as well as any species licencing requirement. It is noted that the submitted otter survey is over two years old. If evidence of otter presence is found, the findings should be used to inform a species protection plan.
- Parts of St Margaret's Hope are at significant risk of coastal flooding; therefore, assessment should be undertaken of the effects of the proposed development on flood risk in these areas.

- Traffic assessment should be carried out for all construction vehicles and plant that will require to use the public road for access, egress from the proposed site.
- Traffic assessment / statement is required for the usage of the marshalling area.
- No new access or accesses will be permitted onto the public road from the proposed marshalling area.
- The existing drainage from the public road must not be affected in any way, and any flooding that may be caused by the development on the public road, shall be rectified by the applicant to the satisfaction of Orkney Islands Council as Roads Authority and entirely at their own expense.
- Pedestrian access from Cromarty Square to the proposed marshalling area and eventual ticket office should be provided.
- Any damage caused to the public road as a result of the proposed construction works shall be repaired by the applicant to the satisfaction of Orkney Islands Council as Roads Authority and entirely at their own expense.

Therefore, should it be considered that an EIA be required, the following sensitivities and impacts should be assessed, and where appropriate, mitigated:

- Impacts of noise and vibration due to pier construction (piling) on marine mammals including cetaceans and seals;
- Impacts on protected species including otters (EPS) and supporting habitats;
- Impacts on coastal processes, sedimentation deposition and resulting environmental effects;
- Impacts on coastal and marine historic assets and archaeology;
- Loss or damage to habitats and species of conservation importance including PMFs (OIC holds no record of PMFs in the immediate vicinity);
- Impacts on residential amenity
- Impacts on the road and pedestrian network.

Finally, it should be noted that planning permission is required for the works, and an application has not yet been submitted.

If you wish to discuss this further please do not hesitate to contact me.

Yours sincerely

Redacted

Scott H. H. H.



Redacted

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**From:** Redacted  
**Sent:** 20 March 2018 10:06  
**To:** Redacted  
**Subject:** RE: Marine Licence Application

Morning Redacted  
ed

Thanks for the consultation on this one and the extra information provided. There is quite an amount of information to digest. I'll have to pass this to our planning department so it is logged and they will get comments from other relevant departments.

Just one quick comment. I noted in Appendix 5(c) on page 19, it mentions the storage of banded tyres at a nearby farm. There is no farm licensed for this activity. I was recently asked about this by Kathryn and replied that the storage would require a full waste management licence. There have been changes in the regulations recently and most exemptions that permitted the storage and use of baled tyres have been removed.

Also it is unlikely SEPA would grant a licence before Marine Scotland had decided whether the use of banded tyres is allowable.

Kind Regards

Redacted

**From:** Redacted  
**Sent:** 19 March 2018 15:30  
**To:** Redacted  
**Subject:** Marine Licence Application

Good afternoon Redacted

**Pre-application Consultation – Pentland Ferries, St Margaret's Hope, Orkney  
Extension to Marshalling Area, St Margaret's Hope Pier**

I attach the draft application which is intended to be submitted in full to Marine Scotland after the statutory consultation period of 12 weeks.

I should be pleased if you would send me any comments which you may have by the 1<sup>st</sup> June which will give me sufficient time to make any alterations which may be necessary and to prepare a consultation report for Marine Scotland. A public meeting will be held in the Marengo Centre, St Margaret's Hope from 2pm to 4pm on Monday 7<sup>th</sup> May, should you wish to attend.

Please note, I have noticed that there is a mistake in the co-ordinates as shown in paragraph 5f of the draft application. These should be replaced by those on drawing no SMH 311A and in appendix to paragraph 5f.

If you have any queries please contact me either by e-mail or telephone 01997 420111

Kindest regards

Redacted

Redacted

---

**From:** Redacted  
**Sent:** 10 May 2018 11:25  
**To:** Redacted  
**Cc:** navigation  
**Subject:** RE: Marine Licence Application

Redacted  
Good morning

I regret we weren't able to attend the public meeting this week.

We do not have any concerns regarding this development and will reply formally in response to the Marine Licence application.

Best wishes,

Redacted

Redacted

Navigation Manager  
Northern Lighthouse Board

Redacted

Redacted  
**From:** Redacted  
**Sent:** 20 March 2018 10:08  
**To:** Redacted  
**Subject:** Marine Licence Application

Good Morning, Redacted

**Pre-application consultation - Pentland Ferries, St Margaret's Hope, Orkney  
Extension to Marshalling Area, St Margaret's Hope Pier**

Further to our telephone conversation this morning, I attach the draft application which is intended to be submitted in full to Marine Scotland after the statutory consultation period of 12 weeks.

I should be pleased if you would send me any comments which you may have by the 1<sup>st</sup> June which will give me sufficient time to make any alterations which may be necessary and to prepare a consultation report for Marine Scotland. A public meeting will be held in the Marengo Centre, St Margaret's Hope from 2pm to 4pm on Monday 7<sup>th</sup> May, should you wish to attend.

Please note, I have noticed that there is a mistake in the co-ordinates as shown in paragraph 5f of the draft application. These should be replaced by those on drawing no SMH 311A and in appendix to paragraph 5f.

If you have any queries please contact me either by e-mail or telephone Redacted

Redacted

---

**From:** Redacted  
**Sent:** 06 May 2018 11:28  
**To:** Redacted  
**Subject:** Re: FW: SEPA Response to Consultation Reference St Margarets Hope

Hi Redacted  
d

Just to let you know I held the consultation yesterday and no-one came along. Would you like me to let Jessica know?

Regards,

Redacted

D.P.A.

My working arrangements are Monday, Wednesday and Thursday 8am-4pm

Pauline Porter  
Pier Road  
St. Margaret's Hope

Orkney

KW17 2SD

Tel: 01856 831 226 - Fax: 01856 831 903

Direct Tel: 01856 831 906

[p.porter@sepa.org.uk](mailto:p.porter@sepa.org.uk)

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Redacted

On 02/05/2018 08:42,

wrote:

-----Original Message-----

**From:** [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk) [<mailto:planning.aberdeen@sepa.org.uk>]

**Sent:** 27 April 2018 11:28

**To:** Redacted

plai

**Subject:** SEPA Response to Consultation Reference St Margarets Hope

Thank you for consulting SEPA on the above proposal. Please find our response attached.

Where applicable this email has been copied to the agent and/or applicant.

This is an auto-generated email sent on behalf of SEPA's Planning Service. Information on our planning service along with guidance for planning authorities, developers and any other interested party is available on our website at <http://www.sepa.org.uk/planning.aspx>.

Our ref: PCS/158102  
Your ref: St Margarets Hope

Redacted

Marine Licensing Officer  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

If telephoning ask for:  
Redacted

27 April 2018

By email only to: Redacted

Redacted  
Dear

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")  
Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling  
area - St Margaret's Hope, Orkney**

Thank you for your consultation emails on the above proposal. In addition we have received an email from the agent, Robert Cross of Breck Environmental Consultancy, on 19 March 2018 enclosing a draft application. As such we have done one response to address the aspects of the proposals relating to our interests.

We do not provide site specific advice on Marine Licence proposals. Instead, please refer to our standing advice on marine consultations within guidance document SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations. As per Section 2.3 of this advice we do not require consultation "on EIA at any stage. Please consider our standing advice in Section 3 and Table 1 as SEPA's consultation response."

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In regard to site specific issues not covered by our standing advice, as you may be aware, we previously provided advice on the use of tyres for the previous extension area and have taken this opportunity to provide advice on this in Appendix 1 below for this application. In addition we have also provided advice on other aspects of the proposal, such as flood risk and drainage, to assist the applicant.



Chairman  
Bob Dowdies  
Chief Executive  
Terry A'Hearn

SEPA Aberdeen Office  
Inverdee House, Baxter Street  
Torry, Aberdeen AB11 9QA  
tel 01224 266600 fax 01224 896657

www.sepa.org.uk - customer enquiries 03000 99 66 99

Details of regulatory requirements and good practice advice for the applicant can also be found on the Regulations section of our website. If the applicant is unable to find the advice they need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Norlantic House, Scotts Road, Hatston, Kirkwall, Orkney, KW15 1GR - Tel: 01856 871080

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Redacted

Senior Planning Officer  
Planning Service

Ecopsy to Redacted

Redacted

Breck Environmental Consultancy

Redacted

---

**From:** Redacted  
**Sent:** 25 April 2018 11:24  
**To:** Redacted  
**Subject:** RE: Marine Licence Application

Redacted  
Good Morning I

Thank you for your email dated 20<sup>th</sup> March, with regards to the proposed works to extend the marshalling area at St Margaret's Hope Pier.

Thank you for your invitation to the public meeting on 7<sup>th</sup> May; I confirm however that unfortunately we will be unable to attend. We have a dedicated two-man section handling all UK Marine Licence applications, based in Southampton, and regrettably it would be impractical for us to attend every hearing. I would be interested to know however if local RNLI or HM Coastguard do attend.

As to the licence application; noting that you are at the Pre-Application Consultation stage, we will reserve our comments for the formal licencing application, whereby we will be consulted with directly by Marine Scotland. However, having received your attached documents, we would request to see a detailed methodology and evidence of consultation with local users, including the Orkney Island's Council in their capacity as Harbour Authority.

Following further assessment, we would then likely suggest to Marine Scotland a number of standard conditions/advisories to be attached to the licence; such as notifying HM Coastguard prior to the works, gaining the consent of the Harbour Authority, safe storage of fuel oils etc.

If you have any further questions, please feel free to get in touch.

Best Regards,

Redacted

Redacted

**Marine Licencing Lead**

Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
Direct: 020381 72418 | Mobile: 07825 702138

Redacted

*Please note my GSI email is not routinely monitored.*

 Maritime & Coastguard Agency |  HM Coastguard

**Safer Lives, Safer Ships, Cleaner Seas**



Redacted  
**From:** Redacted  
**Sent:** 21 March 2018 10:54  
**To:** navigation safety <navigationsafety@mcga.gov.uk>  
**Subject:** FW: Marine Licence Application

Good morning Nav safety

Please see the email below. One of my colleagues in Estates suggested I send to you for your progression or information (please accept my apologies if this is incorrect, I haven't dealt with anything like this in my time in Estates so far, so learning curve for me). If this is not for you, please do let me know.

Kind regards  
Redacted



**Maritime &  
Coastguard  
Agency**

Redacted

**Compliance / CAFM support, MCA Estate.**

Maritime & Coastguard Agency

HQ Estates Bav 3/16. 105 Commercial Road, Southampton, SO15 1EG

Redacted

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Redacted

**From:**

**Sent:** 20 March 2016 10:03

**To:** Redacted

**Subject:** Marine Licence Application

Good Morning

**Pre-application consultation - Pentland Ferries, St Margaret's Hope, Orkney  
Extension to Marshalling Area, St Margaret's Hope Pier**

Further to our telephone conversation this morning, I attach the draft application which is intended to be submitted in full to Marine Scotland after the statutory consultation period of 12 weeks.

I should be pleased if you would send me any comments which you may have by the 1<sup>st</sup> June which will give me sufficient time to make any alterations which may be necessary and to prepare a consultation report for Marine Scotland. A public meeting will be held in the Marengo Centre, St Margaret's Hope from 2pm to 4pm on Monday 7<sup>th</sup> May, should you wish to attend.

Please note, I have noticed that there is a mistake in the co-ordinates as shown in paragraph 5f of the draft application. These should be replaced by those on drawing no SMH 311A and in appendix to paragraph 5f.

If you have any queries please contact me either by e-mail or telephone 01997 420111

Kindest regards

Redacted

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Redacted

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**From:** Redacted  
**Sent:** 25 April 2018 11:24  
**To:** Redacted  
**Subject:** RE: Marine Licence Application

Dear Redacted

Thank you for your email and attached documents with regard to the extension to the marshalling area at St Margaret's Hope pier.

We note and support the recommendations of the NDR (Environmental Services) Ecological survey report dated 22 March 2016 (section 3.4) in relation to otters.

Please do not hesitate to contact me if you have any further queries or wish to discuss further.

~~Redacted~~  
Redacted

Redacted

**Operations Officer**

SCOTTISH NATURAL HERITAGE | The Links | Golspie Business Park | Golspie | Sutherland | KW10 6UB | t: 0300 067 3103  
Dualchas Nàdair na h-Alba | A'Mhachair | Pàirc Gnothachais Ghoillspidh | Ghoillspidh | Cataibh | KW10 6UB  
*nature.scot – Connecting People and Nature in Scotland – @nature\_scot*

Redacted

**From:**  
**Sent:** 19 March 2018 15:36  
**To:** NORTH  
**Subject:** Marine Licence Application

Good Afternoon

**Pre-application Consultation – Pentland Ferries, St Margaret's Hope, Orkney  
Extension to Marshalling Area, St Margaret's Hope Pier**

I attach the draft application which is intended to be submitted in full to Marine Scotland after the statutory consultation period of 12 weeks.

I should be pleased if you would send me any comments which you may have by the 1<sup>st</sup> June which will give me sufficient time to make any alterations which may be necessary and to prepare a consultation report for Marine Scotland. A public meeting will be held in the Marengo Centre, St Margaret's Hope from 2pm to 4pm on Monday 7<sup>th</sup> May, should you wish to attend.

Please note, I have noticed that there is a mistake in the co-ordinates as shown in paragraph 5f of the draft application. These should be replaced by those on drawing no SMH 311A and in appendix to paragraph 5f.

If you have any queries please contact me either by e-mail or telephone 01997 420111

Kindest regards

Redacted



Redacted

**To:** Redacted  
**Subject:** RE: Advert. for Marshalling Area Consultation

Good Morning Redacted

Thank you for the copy from the Orcadian. I have forwarded to Marine Scotland.

The co-ordinates on the application form were wrong, but those on the drawing and in the appendix to the form were correct. Point no 3 was wrong, point no 4 was missing and point no 6 was wrong.

Kindest regards

Redacted

**From:** Redacted  
**Sent:** 19 March 2018 12:08  
**To:** Robert Cross  
**Subject:** Re: Advert. for Marshalling Area Consultation

Hi Redacted

I've booked the Marengo Centre for Monday 7th May from 2-4pm. Is the advert in the paper for one week only or for all six weeks?

Regards,

Redacted

D.P.A.

My working arrangements are Monday, Wednesday and Thursday 8am-4pm

Annabel Scott  
Physiotherapist  
St. Margaret's Hosp  
Orkney  
K10 7 2838  
Tel: 01850 831 224 - Fax: 01850 831 905  
Email: Tel: 01850 831 905  
[annabel.scott@nhs.uk](mailto:annabel.scott@nhs.uk)

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On 19/03/2018 11:26,

Good Morning Redacted

Redacted

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**From:** Redacted  
**Sent:** 22 March 2018 14:08  
**To:** Redacted  
**Subject:** Advert in Orcadian  
**Attachments:** DOC111.PDF

Hi Redacted  
ed

I've attached a scanned copy of the advert from today's Orcadian. I received the amended pages but the co-ordinates are the same that are in the application I have. Is this correct?

--

Regards,

Redacted

D.P.A.

My working arrangements are Monday, Wednesday and Thursday 8am-4pm

*Peninsula Property Services  
Plot Royal  
St. Marys Church House  
Orkney  
K40 7 2N1  
Tel: 01850 831 226 - Fax: 01850 831 905  
DPA Tel: 01850 831 906  
[www.peninsulaproperty.co.uk](http://www.peninsulaproperty.co.uk)*

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Public Notice

Tenders Wanted

PLANNING APPLICATIONS

ORKNEY  
Council

Planning Applications must be submitted to the Planning Department, Orkney Council, 21 Victoria Street, Kirkwall, Orkney, KW15 1TY. Applications should be submitted to the Planning Department, Orkney Council, 21 Victoria Street, Kirkwall, Orkney, KW15 1TY. Applications should be submitted to the Planning Department, Orkney Council, 21 Victoria Street, Kirkwall, Orkney, KW15 1TY.

TOWN & COUNTRY DEVELOPMENT ACT 1990

Section 227(1) of the Town & Country Development (Scotland) Act 1990

Planning Ref	Development Location	Proposed Development
1400127	Apple's Tree Farm, Appleton, Orkney	Change of use of land from agricultural to residential
1400128	Balgonie, Orkney	Change of use of land from agricultural to residential
1400129	Balgonie, Orkney	Change of use of land from agricultural to residential
1400130	Balgonie, Orkney	Change of use of land from agricultural to residential

Comments may be made on the above developments within 14 days from the date of publication of this notice.

PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) REGULATIONS ACT 1990

Section 24(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990

Planning Ref	Development Location	Proposed Development
1400131	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400132	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400133	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400134	21 King Street, Kirkwall	Change of use of land from agricultural to residential

Comments may be made on the above developments within 14 days from the date of publication of this notice.

PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) REGULATIONS ACT 1990

Section 24(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990

Planning Ref	Development Location	Proposed Development
1400135	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400136	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400137	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400138	21 King Street, Kirkwall	Change of use of land from agricultural to residential

Comments may be made on the above developments within 14 days from the date of publication of this notice.

PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) REGULATIONS ACT 1990

Section 24(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990

Planning Ref	Development Location	Proposed Development
1400139	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400140	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400141	21 King Street, Kirkwall	Change of use of land from agricultural to residential
1400142	21 King Street, Kirkwall	Change of use of land from agricultural to residential

Comments may be made on the above developments within 14 days from the date of publication of this notice.

The Orkney Islands Council  
(Road Maintenance Works)  
Temporary Closure  
Orkney 2016

Orkney Islands Council is aware that the proposed works to the A10 road, between the A10 and the A10, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the A10 road, between the A10 and the A10, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the A10 road, between the A10 and the A10, will result in the closure of the road for a period of time.

1	2	3	4	5	6	7	8	9	10	11	12
1. A10 Road, Orkney	2. A10 Road, Orkney	3. A10 Road, Orkney	4. A10 Road, Orkney	5. A10 Road, Orkney	6. A10 Road, Orkney	7. A10 Road, Orkney	8. A10 Road, Orkney	9. A10 Road, Orkney	10. A10 Road, Orkney	11. A10 Road, Orkney	12. A10 Road, Orkney

Orkney Islands Council is aware that the proposed works to the A10 road, between the A10 and the A10, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the A10 road, between the A10 and the A10, will result in the closure of the road for a period of time.

EDUCATION, LEISURE  
& HOUSING

ORKNEY  
Council

SUMMARY ONE ENROLMENT NOTICE FOR  
PARENTS OF CHILDREN BORN BETWEEN  
MARCH 2011 - 28 FEBRUARY 2012

All children born between 1 March 2011 and 28 February 2012 are eligible for enrolment in the primary schools in Orkney.

Area	Primary School	Area	Primary School
1. A10 Road, Orkney	2. A10 Road, Orkney	3. A10 Road, Orkney	4. A10 Road, Orkney
5. A10 Road, Orkney	6. A10 Road, Orkney	7. A10 Road, Orkney	8. A10 Road, Orkney
9. A10 Road, Orkney	10. A10 Road, Orkney	11. A10 Road, Orkney	12. A10 Road, Orkney

If you have any queries or require any further information please contact the Education, Leisure & Housing Department, Orkney Council, 21 Victoria Street, Kirkwall, Orkney, KW15 1TY.

A Petition under the Dispute Resolution (Scotland) Act 2016 has been

presented to the Sheriff Court at Kirkwall on the 3rd day of April, 2016 at 10am to show cause why the petition should not be awarded. The petition is presented by the said John McEwan, if so advised, to appear within the Sheriff Court at Kirkwall on the 3rd day of April, 2016 at 10am to show cause why the petition should not be awarded.

Kenneth Balder Lang  
160 Hope Street, Glasgow, G2 7TL  
Solicitor for Petitioner

The Orkney Islands Council  
(Water to Street, Drainage)  
Temporary Closure  
Orkney 2016

Orkney Islands Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time.

1	2	3	4	5	6	7	8	9	10	11	12
1. A10 Road, Orkney	2. A10 Road, Orkney	3. A10 Road, Orkney	4. A10 Road, Orkney	5. A10 Road, Orkney	6. A10 Road, Orkney	7. A10 Road, Orkney	8. A10 Road, Orkney	9. A10 Road, Orkney	10. A10 Road, Orkney	11. A10 Road, Orkney	12. A10 Road, Orkney

Orkney Islands Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time.

ORKNEY  
Council

Orkney Islands Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time.

1	2	3	4	5	6	7	8	9	10	11	12
1. A10 Road, Orkney	2. A10 Road, Orkney	3. A10 Road, Orkney	4. A10 Road, Orkney	5. A10 Road, Orkney	6. A10 Road, Orkney	7. A10 Road, Orkney	8. A10 Road, Orkney	9. A10 Road, Orkney	10. A10 Road, Orkney	11. A10 Road, Orkney	12. A10 Road, Orkney

Orkney Islands Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the water to street, drainage, will result in the closure of the road for a period of time.

PROPOSED PHASE 2  
THERMAL UPGRADE AND  
ROOFING WORKS TO  
STROMNESS ACADEMY

ORKNEY  
Council

Orkney Islands Council is aware that the proposed works to the thermal upgrade and roofing works to Stromness Academy, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the thermal upgrade and roofing works to Stromness Academy, will result in the closure of the road for a period of time.

Orkney Islands Council is aware that the proposed works to the thermal upgrade and roofing works to Stromness Academy, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the thermal upgrade and roofing works to Stromness Academy, will result in the closure of the road for a period of time.

KIRKWALL TOWN  
STREET WORKS

ORKNEY  
Council

Orkney Islands Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time.

Orkney Islands Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time.

Orkney Islands Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time.

Orkney Islands Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time.

Orkney Islands Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time. The Council is aware that the proposed works to the Kirkwall Town Street Works, will result in the closure of the road for a period of time.

Redacted

Redacted

**From:**

**Sent:**

21 March 2018 15:57

**To:**

Redacted

**Subject:**

FW: Marine Licence Application

Redacted

Good afternoon

I hope this email finds you well.

I have located the area of the MCA in which your email has been sent. My colleague<sup>Redacted</sup> (email [navigationsafety@mca.gov.uk](mailto:navigationsafety@mca.gov.uk)) will be liaising with you very soon (if he hasn't already). If you have any future queries, please direct them to the email of navigation safety.

Kind regards

Redacted



**Maritime &  
Coastguard  
Agency**

Redacted

**Compliance / CAFM support, MCA Estate.**

Maritime & Coastguard Agency

HQ Estates Bay 3/16, 105 Commercial Road, Southampton,

SO15 1EG

Direct: Redacted

Mobile:

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Redacted

**From**

**Sent:** 20 March 2018 10:09

**To:** Redacted

**Subject:** RE: Marine Licence Application

Redacted

Good morning

Thank you for your email, I will share this with some of my colleagues and someone will be in touch with you very soon.

Kind regards

Redacted



**Maritime &  
Coastguard  
Agency**

Redacted

**Compliance / CAFM support, MCA Estate.**

Maritime & Coastguard Agency

HQ Estates Bay 3/16, 105 Commercial Road, Southampton,

SO15 1EG

Direct: Redacted

Mobile:

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**From:** Redacted  
**Sent:** 20 March 2018 10:05  
**To:** Redacted  
**Subject:** Marine Licence Application

Good Morning

**Pre-application consultation - Pentland Ferries, St Margaret's Hope, Orkney  
Extension to Marshalling Area, St Margaret's Hope Pier**

Further to our telephone conversation this morning, I attach the draft application which is intended to be submitted in full to Marine Scotland after the statutory consultation period of 12 weeks.

I should be pleased if you would send me any comments which you may have by the 1<sup>st</sup> June which will give me sufficient time to make any alterations which may be necessary and to prepare a consultation report for Marine Scotland. A public meeting will be held in the Marengo Centre, St Margaret's Hope from 2pm to 4pm on Monday 7<sup>th</sup> May, should you wish to attend.

Please note, I have noticed that there is a mistake in the co-ordinates as shown in paragraph 5f of the draft application. These should be replaced by those on drawing no SMH 311A and in appendix to paragraph 5f.

If you have any queries please contact me either by e-mail or telephone Redacted

Kindest regards

Redacted

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