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E: ms.marinelicensing@gov.scot

[Redacted]
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Date: 12 April 2019

Dear [Redacted]

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2017 (AS
AMENDED)

Thank you for your screening opinion request for the proposed coastal protection works at Dunbar East Beach ("the Proposed Works") received on 21 February 2019.

In considering your screening opinion request, the Scottish Ministers have consulted with the relevant local planning authority (East Lothian Council), Scottish Natural Heritage ("SNH"), Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an Environmental Impact Assessment ("EIA") project. Advice on coastal processes was also sought from Marine Scotland Science ("MSS"). Copies of the consultation responses and advice received are attached for your review (at Appendix I).

The Proposed Works involve the refurbishment/extension of an existing groyne alongwith the construction of a new fishtail groyne and new standalone breakwater to encourage beach regeneration, therefore the Scottish Ministers consider the works to fall under paragraph 10(m) of the The Marine Works (Environmental Impact Assessment) Scotland Regulations 2017 (as amended) ("the 2017 MW Regulations"). The threshold for coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, as described in column 2 of schedule 2 of the 2017 MW Regulations, is "all works" thus the Proposed Works exceed this threshold.

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

Characteristics of the works

The Scottish Ministers are content that the Proposed Works are relatively limited in their extent with a total area of 1370m².

Having previously been a sandy beach as recently as 2013, in subsequent years the beach has been almost entirely eroded by storm activity. The Proposed Works aim to improve wave exposure conditions at the beach and promote sediment accretion on the foreshore by changing the coastal processes at a local scale.

MSS confirmed that, as intended, the impacts of the Proposed Works will be confined to the local scale and there will be no significant effects to the coastal processes on a broader scale.

The Proposed Works involve the use of heavy machinery to place rock armour and concrete on the foreshore, which has the potential to impact intertidal ecology (through habitat loss, disturbance and pollution from spills or leaks of fuel and oil), water quality (through spillage of oils, fuels or unset concrete and release of fines from construction materials), local residents and bird populations (through the generation of noise and vibration).

It is estimated that the total intertidal habitat loss will be limited to 0.13ha and that any benthic communities present will be opportunistic or pioneer marine species of low conservation value, therefore no adverse impact to intertidal ecology is anticipated. The potential impacts on water quality, local residents and bird populations are also not considered to be significant and can be sufficiently mitigated.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristics of the works are unlikely to have significant effects on the environment.

Location of the works

The Proposed Works are located at Dunbar East Beach, which is a designated bathing water under the Water Framework Directive (2000/60/EC). Although the Proposed Works have the potential to impact water quality (as described above) SEPA considers the mitigation measures proposed to protect water quality to be sufficient and are therefore of the view that an EIA is not required for the Proposed Works.

SNH confirmed that there are no designated nature conservation sites that would be affected by the Proposed Works and no issues relating to protected species are anticipated. In their opinion the Proposed Works are not likely to have a significant effect on the environment with respect to natural heritage receptors and, therefore, they do not consider the Proposed Works to be an EIA project.

East Lothian Council do not consider there to be any significant environmental effects associated with the Proposed Works and HES confirmed that none of their historic environment interests are likely to be significantly affected by the Proposed Works.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that there are unlikely to be significant effects on the environment as a result of the location of the Proposed Works.

Characteristics of the potential impact

There are not considered to be any significant potential impacts on the environment associated with the Proposed Works therefore the characteristics of the potential impacts are not of concern.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

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

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

Yours sincerely

[Redacted]

Licensing Operations Team
Marine Scotland

[Redacted]
Marine Scotland – Marine Planning & Policy
Email: [Redacted]

Date: 05 March 2019
Our ref: CEA154475/ A2881534
Your ref:

Dear [Redacted]

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)**

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

East Lothian Council - Construction of Sea Defences - Dunbar East Beach

Thank you for your consultation email of 26 February 2019 regarding the above proposal.

SNH Advice

We note the specific requirement in Regulation 10(5) and we advise that in our opinion the development is not likely to have significant effects on the environment, with respect to natural heritage receptors. Therefore in our view this is not an EIA project.

To reach this view we have reviewed the supporting documentation, including:

- Outline Method Statement;
- Environmental Note; and
- Drawings.

There are no designated nature conservation sites that would be affected, and we do not anticipate any issues relating to protected species. In principle we support the restoration of the groynes and construction of breakwaters as a step towards restoring the amenity value of East Beach.

I hope these comments are useful, if you would like to discuss them further you can contact me on [Redacted]

Yours sincerely

[by email]

[Redacted]
Operations Officer
Forth

Scottish Natural Heritage, Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh. EH12 7AT
Tel. 0131 316 2600 Fax 0131 312 2690 www.nature.scot

Dualchas Nàdair na h-Alba, Taigh Silvan, Làr 3, 231 Rathad Corstorphine, Dùn Èideann EH12 7AT
Fòn: 0131 316 2600 Facs: 0131 316 2690 www.nature.scot



HISTORIC
ENVIRONMENT
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By email to:

MS.MarineLicensing@gov.scot

[Redacted]

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

Our case ID: 300035853

4 March 2019

Dear [Redacted]

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
Dunbar East Beach - Construction of Sea Defences
(Screening)

Thank you for your consultation which we received on 26 February 2019 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.

We note that you are seeking our screening advice on the above proposal. We have reviewed the information provided in terms of our historic environment interests at the national level, covering scheduled monuments and their setting, category A-listed buildings and their setting, Inventory battlefields and Inventory gardens and designed landscapes. We can now offer the following comments:

Our Screening opinion

As you will be aware, there is no requirement to consult the consultation bodies at the screening stage of the EIA process. This is illustrated in table 1 of the Scottish Government's Planning Advice Note (PAN) 1/2013 (as amended). The PAN notes that planning authorities may consult the consultation bodies in exceptional circumstances for specialist advice and that such requests should be targeted and specific.

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 consider that no heritage assets covered by our interests in the EIA and planning processes are likely to be significantly affected by the proposed development.



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Please contact us if there is any more specific information we can provide which may be helpful to in coming to a screening opinion.

Detailed guidance on the application of national policy is set out in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

We hope this letter is of assistance to you. Please contact us if you have any questions about this response. [Redacted]

Yours sincerely

Historic Environment Scotland

[Redacted]

From: Planning South East <Planning.SE@SEPA.org.uk>
Sent: 11 March 2019 14:52
To: [Redacted]
Subject: RE: East Lothian Council - Construction of Sea Defences - Dunbar East Beach - Consultation of Request for Screening Opinion - Response Required by 19 March 2019

Dear [Redacted]

Thank you for consulting SEPA on this Screening Opinion.

We consider that, with respect to our interests there would not be a significant environmental impact provided mitigation measures are carried out and therefore, Environmental Impact Assessment is not required for the above proposal.

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](#).

If you have any queries relating to this, please contact us by e-mail planning.se@sepa.org.uk.

Yours sincerely

[Redacted]

Planning Officer
Planning Service, SEPA, Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT
[Redacted]

[Redacted]

From: [Redacted]
Sent: 04 April 2019 11:02
To: [Redacted]
Cc: [Redacted]

Council - Construction of Sea Defences - Dunbar East Beach -
Consultation of Request for Screening Opinion - Response Required by 19 March
2019

[Redacted]

As discussed previously by phone, I can confirm that the Council does not consider there are likely to be significant environmental effects arising from this proposal. However, this opinion is subject to consideration of any effects on the marine side, including any effects arising from changes to coastal processes which could have consequent effects on land based interests such as landscape, recreation or biodiversity. From the advice note you sent, it does not appear that this would be the case.

Please could you pass us any Screening Opinion that you issue, which will allow us to include consideration of significant effects on the marine environment, including any effects arising from changes to coastal process. We can then issue our Screening Opinion under the town and country planning environmental impact assessment regulations.

Regards,
[Redacted]

Planning Service Manager
East Lothian Council
John Muir House
Haddington

Hydrographic Dumping Application Recommendations

Hydro Ref No. HY006/19: East Lothian Council – Construction of sea defences – Dunbar East Beach – Consultation of request for screening opinion

Construction of stand-alone breakwater and fishtail groyne, refurbishment of existing groyne

Application number:

Dump Site / Works Site: 56° 0.9.39' N 002° 30.47.44' W

Pilot: North Sea West Pilot 54

Comments:

This is a request for advice as to whether or not the proposed works are likely to have an impact on coastal processes and hence whether or not the works require an EIA to be carried out.

The provided Environmental Note states “There is potential impact of the works to change coastal processes at a local scale. The aim of the project is to promote deposition of sediment on the foreshore and naturally regenerate the beach.” The Coastal Processes Assessment also states: “The proposed work would not have a significant impact on the general coastal processes in the broader area, only having a local influence on sediment behaviour over the upper beach and effecting wave action directly in the lee of each structure.”

There will be an impact on the local scale but the point of the construction is to change the coastal processes to improve the exposure conditions in the bay to encourage sediment that is in the local areas to remain on the foreshore. There will be no major effects to the coastal processes on a broader scale and I therefore think that there is no need for an EIA to be carried out.

The information listed above is given in good faith using the limited data available to the Oceanography Group.

Date 28/03/2019

Physical Oceanographer - [Redacted]