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Date: 03 February 2021

Dear Mr Murphy,

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

Thank you for your screening opinion request dated 13 October 2020 and further information dated 05 November 2020, in regards to the proposed marina expansion works, including pontoon installation, dredging, land reclamation and breakwater construction at Stranraer Marina (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 12(a) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Dumfries and Galloway Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I). Due to delays, Dumfries and Galloway Council have been unable to provide a screening consultation response to date. It is however the Scottish Ministers’ understanding that Dumfries and Galloway Council are currently screening the terrestrial concerns of this project under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

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

Characteristics of the works

The Proposed Works include the installation of pontoons and fingers to provide 185 new marina berths (increasing the total number of berths to approximately 223), dredging, land reclamation and the construction of breakwaters to significantly extend and reconfigure the existing marina layout.

The pontoons are to be held in position by vertical tubular piling driven into the seabed and possibly socketed into bedrock. Dredging is proposed to provide a general depth of water of 2.5 metres with an additional 0.5 metre margin in all states of the tide. In the areas where larger vessels, such as superyachts, are proposed to be berthed, the provided depth will be 4.0 metres with an additional 0.5 metre margin. The overall estimated dredge volume is 115,000 cubic metres. It is intended for the dredged material to be re-used as infill in the land reclamation and breakwater construction works. Approximately 18,200 square metres of land reclamation is to be undertaken in the eastern corner of the site, retained by a 200 metre long revetment structure. To protect the new berths from waves and adverse weather, the existing breakwater is to be extended by 40 metres in length. In addition, two new, approximately 80 metre long, breakwaters, will be constructed. The breakwater construction will consist of a filled (with dredged material) geobag core surrounded by geotextile and rock armour protection. The marina expansion involves both marine- and land-based works and is likely to be subject to a phased construction over a 5 year period.

During the Proposed Works, noise and visual disturbance could disturb or displace birds, fish or marine mammals from the immediate area of the works. In addition, increased sedimentation may occur within the water column due to dredging and the movement of materials. The Proposed Works also have the potential to pollute the marine environment should any release of contaminants from the dredged material or leakage of fuels, oils etc. from plant machinery/equipment occur.

SEPA advised that, with respect to its interests, assuming modest or plainly and easily achievable environmental mitigation measures are implemented, the Proposed Works are unlikely to have a significant effect on the environment.

Location of the works

The Proposed Works are not located within any sensitive areas, as defined by the 2017 MW Regulations, however, the Glen App and Galloway Moors Special Protected Area and Site of Special Scientific Interest, both designated for the protection of breeding Hen harrier (*Circus cyaneus*), are located approximately 5 kilometres northeast of the site. Whilst it is envisaged that any impacts upon these sites are likely to be negligible, the applicant has acknowledged it is likely that bird surveys will be required to support any future marine licence application.

The Scottish Ministers note that the Proposed Works are located in Loch Ryan, an area known for the presence of native oysters (*Ostrea edulis*). The loch also contains the Priority Marine Features seagrass and blue mussel beds.

The invasive non-native species Japanese skeleton shrimp (*Caprella mutica*), and the orange-tipped sea squirt (*Corella eumyota*) are known to be present in Stranraer Marina. The invasive non native species Carpet sea squirt (*Didemnum vexillum*) is also known to be present at various locations in the River Clyde.

HES advised that, in this instance, it did not consider that there are likely to be significant impacts on either terrestrial or marine heritage assets. Nonetheless, HES recommended that an assessment of impacts on the marine historic environment should be undertaken to consider the archeological potential of the marine development area and, also, ensure that appropriate recording and mitigation measures are put in place to address any archaeological discoveries or potential impacts.

Characteristics of the potential impact

NatureScot identified that the Proposed Works could have a significant effect on a number of ecological interests including: benthic habitat, native oyster, marine mammals (cetaceans, seals and otter), terrestrial mammals (bats), marine ornithology, fish and land and marine invasive non-native species.

NatureScot advised that, at present, there is insufficient information to determine whether the Proposed Works will have a significant effect on the environment and therefore consider an EIA to be required.

The Scottish Ministers are in agreement with NatureScot that, due to insufficient information, it cannot currently be concluded that the Proposed Works will not have a significant effect on the environment.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are an EIA project under the 2017 MW Regulations and, therefore, an EIA is 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 Dumfries and Galloway 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

Ellie Noble
Marine Scotland - Licensing Operations Team

Appendix I

10 December 2020

Naomi Gibson
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

[Redacted]

By email only to:

Dear Madam

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Stranraer Marina Development – EIA Screening, Stranraer, Dumfries and Galloway

Thank you for consulting SEPA for a screening opinion for the above development proposal by way of your email of 23 November 2020.

Based on the information provided in the screening request (letter dated 13 October 2020 and updated on 05 November 2020) we consider that, with respect to interests relevant to our remit, the proposed development will be **unlikely to have a significant effect** (in the context of the Regulations) on the environment and therefore Environmental Impact Assessment (EIA) is **not required**. This is on the assumption that modest or plainly and easily achievable environmental mitigation measures will be put in place during the construction works and operation. Whether or not EIA is required, this must be demonstrated through the submission of adequate information. We have provided further pre application advice on the proposed development below.

1. Advice on the proposed development

Flood Risk

- 1.1 We will require that the following matters be addressed through the consenting process to address flood risk issues at the site and avoid objection from us:
 - The Finished Floor Levels (FFLs) of the restaurant and pavilion must be provided taking into account appropriate freeboard and climate change allowances;
 - It should be demonstrated that the pavilion will not become an 'island of development' within the coastal floodplain and that safe access/egress will be ensured; and
 - Confirmation that evacuation plans will be implemented, ensuring safe access/egress from all areas of development.
- 1.2 Please refer to Appendix 1 enclosed for our full flood risk advice on the proposed development.

Waste Management

- 1.3 We can confirm that since the disposal of the dredgings will be deposited below mean high water springs, we have concerns from a Waste Management Licensing (Scotland) Regulations 2011 perspective. The disposal works should be licensed by Marine Scotland.

Protection of the Water Environment

- 1.4 Please refer to our standing advice on marine consultations in our [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#) for links to best practice guidance for the construction phase of the works. The applicant should also have regard to the relevant [Guidance for Pollution Prevention](#) documents and CIRIA Guide C584 – Coastal and Marine Environmental Site Guide. For information, we note further up Loch Ryan is designated shellfish waters for mussels.
- 1.5 From a marine ecology perspective, the screening request concludes '*it is not anticipated that the proposed construction or operation of the proposal would have any significant impact in terms of ecology that would warrant the undertaking of an EIA*'. We agree and, as above, recommend reference to our standing advice. Any other biodiversity issues should be dealt with by NatureScot.

Radioactive Contamination

- 1.6 For information, the site is in proximity to a former military WWII sea plane base RAF Stranraer. We are not aware of any measured radioactive contaminants on the former RAF site or any documentary evidence to suggest that radioactive contaminants may be present. However, given the site's former use as a military airbase radium 226 may be present due to its use in aircraft dials during WWII. If further research shows that the marina development is in the former location of RAF Stranraer we can provide further advice as required.

2. Regulatory advice for the applicant

- 2.1 Details of regulatory requirements and good practice advice can be found on our [website](#).

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

Yours faithfully

Simon Watt
Senior Planning Officer
Planning Service

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](#).

Appendix 1 – Flood Risk Advice

1. We have reviewed the information provided with the screening request and note that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) coastal flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
2. For planning purposes, the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Built development should not therefore take place on the functional flood plain. Scottish Planning Policy (SPP) states in paragraph 255, that *“the planning system should promote a precautionary approach to flood risk from all sources”*, as well as flood avoidance and flood reduction, where appropriate. It further defines in paragraph 256 that, *“the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity”*.
3. This area has a history of coastal flooding. In January 1928 North Stand Street was flooded during high tide and storm conditions. In February 2011 coastal flooding impacted the area around the West Pier, including the walkway. A high astronomical tide combined with a surge tide and high offshore winds resulted in flooding of roads and public parking in March 2014. In addition, we note the site is located within the Flood Warning Target Area (FWTA) for Loch Ryan.
4. We note the proposal includes a mix of land and marine based development types. The additional berths, water sports building, extension/secondary breakwater structure and extension to the boatyard are viewed as ‘Water Compatible’ land uses as per our [Land Use Vulnerability Guidance](#). There is an operational/location requirement for these proposals at this location. These aspects of the proposal are therefore seen as appropriate, provided suitable evacuation procedures are put in place. Other aspects of the proposal which are not seen as being water compatible, but are viewed as low risk, include the expansion of an existing car park, the extension to a reception building and the proposed pedestrian bridge. Whilst they are not water compatible, there is an operational/location need for these proposals at this site and they are unlikely to increase local flood risk or adversely affect the functional floodplain.
5. Reclaimed land using dredged materials is also proposed in the south east end of the site. Whilst we would not accept land raising in the fluvial floodplain it is less of a concern in the coastal floodplain as the proposal should not have a significant detrimental impact on the functional floodplain or local flood risk, provided an adequate evacuation procedure is implemented. A car park, coastal path and small pavilion have been proposed for the area of reclaimed land. Appropriate FFLs should be provided for the pavilion, considering freeboard and climate change allowances. Please note we have recently updated our [land use planning and climate change guidance](#) to adopt regional allowances. It is recommended that this allowance is adopted. We also request confirmation that an ‘island of development’ is not created around the Pavilion and safe access/egress and evacuation procedures will be implemented. The car park and coastal path are viewed as ‘Essential Infrastructure’ and the pavilion ‘Least Vulnerable’, as per our Land Use Vulnerability Guidance, please note we would not support high risk development on the reclaimed land.

6. A restaurant has been proposed at the southern end of the site entirely within the 1 in 200-year coastal flood extent of the SEPA Flood Map. We require the applicant provides the FFLs for the proposed restaurant, taking into account appropriate freeboard and climate change allowances in line with best practice. As with other aspects of the proposal an evacuation procedure is essential to ensure safe access/egress during a flood event.
7. For information, an approximate 1 in 200-year water level for the area is 3.9mAOD based on extreme still water level calculations using the CFB Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location. We also recommend that the applicant contact Dumfries and Galloway Council, as Flood Risk Management Authority, with regard to the appropriate levels of freeboard for the area.

Caveats & Additional Information for Applicant

8. The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.
9. We refer the applicant to the document entitled: "[Technical Flood Risk Guidance for Stakeholders](#)". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with [Policy 41](#) (Part 2).
10. Our [Flood Risk Assessment Checklist](#) should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.
11. Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.



By email to:

MS.MarineLicensing@gov.scot

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Marine Laboratory
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AB11 9DB

Longmore House
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Edinburgh
EH9 1SH

[Redacted]

I: 0131 668 8575

Our case ID: 300047640

16 December 2020

Dear Naomi Gibson

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Stranraer Marina Development, Dumfries and Galloway](#)
[EIA Screening Request – Further Information](#)

Thank you for your e-mail which we received on 14 December 2020. We understand that you are seeking further clarification on the advice included in our EIA screening letter of 9 December 2020. In particular, you are seeking our views on whether an Environmental Impact Assessment (EIA) is required for this development. In this instance, we do not consider that there are likely to be significant impacts on either terrestrial or marine heritage assets to warrant a full EIA for our interests.

We nevertheless recommend that any Marine Licence application prepared for the proposals is supported by an assessment of impacts on the marine historic environment. Any such assessment should be undertaken by a suitably qualified professional and meet the requirements of the [Historic Environment Policy for Scotland](#) (HEPS, 2019) and [Scotland's National Marine Plan](#) (2015). Consequently, this assessment should include a consideration of the archaeological potential of the marine development area and, also, ensure that suitable mitigation methods are put in place to address any potential impacts identified. The [Joint Nautical Archaeological Committee's Code of Practice for Seabed Development](#) will be helpful in assessing the impacts of the proposals. The guidance in [The Crown Estate Protocol for Archaeological Discoveries document](#) will also help with the design of suitable actions and mitigation measures.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours faithfully

Historic Environment Scotland

Naomi Gibson
Marine licensing Officer, Scottish Government
Marine Laboratory,
375, Victoria Road,
Aberdeen
AB11 9DB.

12 January 2021

Our ref: CEA161291

Dear Naomi

1336625 – THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (AMENDED 2017) AND THE TOWN AND COUNTRY PLANNING ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017

PROPOSED - STRANRAER MARINA EXPANSION WORKS - REQUEST FOR SCREENING OPINION

Thank you for your consultation dated 23rd November requesting screening opinion for the above proposal.

1. Summary

This type of development is listed on Schedule 2 of The Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 (either Construction of harbours and port installations including fishing harbours, or Marinas) and exceeds the applicable size thresholds for both of these types. It is not located in one of the listed sensitive area types. There is currently insufficient information for us to conclude that the development will not have a significant effect on the environment. On that basis, it is our view that an Environmental Impact Assessment is required in this case. (See Section B.4.34 of the [Environmental Impact Assessment Handbook](#) for further detail on this position).

2. Background

The proposal involves a new Marina layout with a total approximate 223 berths; increased dredging and breakwaters to accommodate the new marina layout; proposed water sports building; extension to boatyard; extension to the overspill car park; proposed new pavilion;

extension to reception building; proposed ancillary buildings; proposed restaurant/bar and a proposed new bridge. The proposed work includes development both on land and marine based and is likely to be subject to a phased construction, over a 5 year period.

3. Screening Advice

It is our view that an EIA is required in this case. At present, there is insufficient information to determine whether the development will have a significant effect on the environment. In particular, we think the development has the potential to have a significant effect on the following ecological interest:

- Benthic habitat
- Native Oyster
- Marine mammals (Cetaceans, seals, otter)
- Terrestrial mammals (Bats)
- Marine ornithology
- Fish
- Land and marine invasive non-native species (INNS).

Although our view is that the proposal has the potential to have a significant effect on the environment we consider that it should be possible to mitigate some of these effects to an acceptable level, in both the short and long term.

If an EIA is required then, at the scoping stage, we can provide detailed advice on these issues and the information required to assess potential impacts.

Please do not hesitate to contact me for further information or comment if required

Yours sincerely,

Karl Munday

Area Officer, Southern Scotland

[Redacted]