

Kim McLaren
Ironside Farrar
111 McDonald Road
Edinburgh
EH7 4NW

Date: 28 July 2023

Dear Ms McLaren ,

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

Thank you for your screening opinion request dated 12 June 2023 in regards to the proposed natural beach recharge and stabilisation of dune system works. This includes removal of sand from a donor area of the beach and utilising this material to replenish a receptor site (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are 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 Fife Council, NatureScot (formerly Scottish Natural Heritage) Historic Environment Scotland (“HES”) and the Scottish Environment Protection Agency (“SEPA”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

The Proposed Works are in an area which is prone to natural erosion. In 2001 and 2008 works were undertaken to renourish and recharge sand volumes in the area. In 2018 monitoring showed that the dune restored in 2001 and 2008 has retreated and the beach level has dropped. The Proposed Works are to restore the eroded dune and to raise the beach apron level to mitigate future flood risk.

The Proposed Works consist of three main elements:

Sand will be removed from the donor site at Outhead in an area of accretion which is expected to replenish naturally over a short space of time. Approximately 12,000 - 15,000 cubic metres (“m³”) of sand will be removed using backhoe excavators and up to four dump

trucks. The sand will be extracted to a depth of approximately 0.5 metres (“m”) over an area of approximately 200 m by 200 m. Work will take place during both low tides each day.

The sand will be transported in the dump trucks along three agreed movement corridors to the receptor site. The receptor site encompasses an area both above and below MHWS. At this site the sand will be tipped from the trucks and landscaped to create the desired profile. This will create a new 200 m long sand cliff with a top platform of approximately 10 m wide. A slope will extend seawards approximately 40 m.

A series of chestnut pale fences will be installed across the face of the new sand cliff. An upper bench raised slightly higher than the existing eroded ridge will be transplanted with cell grown marram plants of local provenance or transplants from neighbouring dunes at a density of 5 plants per square metre. After planting the fences will be closed at the toe with a public exclusion fence. Anti-erosion bags will be temporarily placed inside the toe fence to limit initial losses for the first 6 to 12 months.

The Proposed Works are to be carried out over a pre-selected spring tide series over 10 days. Works will be carried out over both low tides each day.

Location of the works

The site is located north of St Andrews, Fife and sits on the Eden Estuary. The donor and receptor areas are located within the Firth of Tay and Eden Estuary Special Protection Area (“SPA”) designated for a wide range of bird species and the Firth of Tay and Eden Estuary Special area of Conservation (“SAC”) designated for estuaries, intertidal mudflats and sandflats and subtidal sandbanks habitats and for common seals. The area also overlaps the Eden Estuary Site of Special Scientific Interest (“SSSI”).

Fife Council advised the impact on the designated sites would not be significant providing appropriate mitigation was in place. This will be included in a Construction Environmental Management Plan (“CEMP”) submitted alongside any marine licence application. Fife Council stated that providing the proposed CEMP and mitigation measures are in place there would be no significant environmental impacts in EIA terms from the Proposed Works.

NatureScot stated in their consultation response that they agree with the conclusions of the screening opinion issued by Fife Council.

HES advised that there are unlikely to be impacts on historic environment interests of a level that would require consideration through the EIA process. It noted however, that the sandbar where the donor site is located has a long history of ship losses and it is possible that wreckage from these vessels may be present. There is also a record of a military aircraft reported to have crashed into the water in the area. Any military aircraft would be protected under the Protection of Military Remains Act 1986. HES recommend that the CEMP proposed by the Applicant should include a mitigation strategy detailing steps to be taken in the event of the discovery of wreckage and should include liaison with the Ministry of Defence as they are responsible for administration of the Protection of Military Remains Act 1986.

Characteristics of the potential impact

Fife Council acknowledged that there may be a number of impacts during the construction phase of the works. These included impacts on existing land uses due to noise, dust and

vibration, as well as impacts on the natural environment. However, potential impacts can be effectively addressed and mitigated through the marine licence application process and through the development of a CEMP. Fife Council also noted that there may be impacts on areas of high landscape or scenic value in the location of the Proposed Works but that these would not be significant due to the scale of the Proposed Works.

Fife Council concluded that no EIA is required.

SEPA advised that they do not consider that an EIA is required.

Conclusion

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

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

A copy of the screening opinion has been forwarded to Fife 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

Judith Horrill
Marine Directorate - Licensing Operations Team

From: Keith Dalgleish [REDACTED]
Sent: 12 July 2023 10:58
To: Judith Horrill
Subject: RE: SCR-0059- St Andrews Links Trust (per Ironside Farrar) - Natural beach recharge and stabilisation of dune system- Eden Estuary Sands – Consultation on Request for Screening Opinion – Response Required by 06 July 2023

Good morning

Following discussion with colleagues who have worked on this, and related cases, we are satisfied with the screening opinion of Fife Council.

Regards

Keith Dalgleish | Operations Officer - South

NatureScot | Elmwood Campus | Carslogie Road | Cupar | Fife | KY15 4JB
Dualchas Nàdair na h-Alba | Àrainn Elmwood | Rathad Carslogie | Cùbar | Fìobha | KY15 4JB
01738 458803
nature.scot | @nature_scot | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

From: [REDACTED]
Sent: 11 July 2023 14:50
To: Keith Dalgleish [REDACTED]
Subject: RE: SCR-0059- St Andrews Links Trust (per Ironside Farrar) - Natural beach recharge and stabilisation of dune system- Eden Estuary Sands – Consultation on Request for Screening Opinion – Response Required by 06 July 2023

Good afternoon,

Thanks for your response. MD-LOT are seeking the views of NS, as statutory consultees in the screening process, in order to formulate a screening opinion on behalf of the Scottish Ministers. Under Part 2, Section 10 of The Marine Works (Environmental Impact assessment) (Scotland) Regulations 2017,

(5) The Scottish Ministers, on receiving a request for a screening opinion under paragraph (1), 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.

(6) 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 therefore require that NS provide a view as to whether the proposed works require an EIA or not. If you have seen the screening opinion produced by Fife Council and agree with its findings please confirm that this is the case.

Kind regards,

Judith

Judith Horrill

Marine Licensing Casework Officer, Licensing Operations Team, Marine Directorate

Scottish Government | Marine Laboratory | Aberdeen | AB11 9DB

M: [REDACTED]

The Scottish Government



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I am working from home but available via email (preferred), MS Teams or mobile

MD-LOT Email addresses are MS.MarineLicensing@gov.scot for all licensing queries and MS.MarineRenewables@gov.scot for marine renewables/consenting correspondence.

Guidance on marine licensing and marine licence application forms can be found at: <https://www.gov.scot/publications/marine-licensing-applications-and-guidance/>

From: Keith Dagleish [REDACTED]

Sent: 11 July 2023 11:41

To: Judith Horrill [REDACTED]

Subject: RE: SCR-0059- St Andrews Links Trust (per Ironside Farrar) - Natural beach recharge and stabilisation of dune system- Eden Estuary Sands – Consultation on Request for Screening Opinion – Response Required by 06 July 2023

Good morning

Thanks for the update. We have no further comments, and are satisfied for MS to provide opinion on the marine environment.

Regards

Keith Dagleish | Operations Officer - South

NatureScot | Elmwood Campus | Carslogie Road | Cupar | Fife | KY15 4JB

Dualchas Nàdair na h-Alba | Àrainn Elmwood | Rathad Carslogie | Cùbar | Fìobha | KY15 4JB

01738 458803

nature.scot | @nature_scot | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

From: [REDACTED]
Sent: 11 July 2023 11:08
To: Keith Dalglish [REDACTED]
Subject: RE: SCR-0059- St Andrews Links Trust (per Ironside Farrar) - Natural beach recharge and stabilisation of dune system- Eden Estuary Sands – Consultation on Request for Screening Opinion – Response Required by 06 July 2023

Good morning,

Thank you for your email in response to our request for consultation on this screening. MD-LOT note your reference to the decision made by Fife Council as the terrestrial Planning Authority. Please can you confirm that you have reviewed their screening opinion and agree with its contents? Furthermore, although Fife Council have provided a screening opinion in relation to the terrestrial elements of the proposed work, MD-LOT are required to provide an opinion taking into account any marine aspects. Please can you advise if NS have any further comments to make regarding potential impacts on the marine environment from the proposed activities.

Kind regards,

Judith

Judith Horrill
Marine Licensing Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Marine Laboratory | Aberdeen | AB11 9DB
[REDACTED]

The Scottish Government



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I am working from home but available via email (preferred), MS Teams or mobile

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From: Keith Dalglish <[REDACTED]>
Sent: 07 July 2023 08:37
To: Judith Horrill <[REDACTED]>
Cc: development.central@fife.gov.uk

Subject: RE: SCR-0059- St Andrews Links Trust (per Ironside Farrar) - Natural beach recharge and stabilisation of dune system- Eden Estuary Sands – Consultation on Request for Screening Opinion – Response Required by 06 July 2023

Good morning

Thanks for the email regarding the EIA screening opinion for the above case. NatureScot will allow Fife Council, as Planning Authority, decide whether this proposal requires an EIA.

Regards

Keith Dalglish | Operations Officer - South

NatureScot | Elmwood Campus | Carslogie Road | Cupar | Fife | KY15 4JB

Dualchas Nàdair na h-Alba | Àrainn Elmwood | Rathad Carslogie | Cùbar | Fìobha | KY15 4JB

01738 458803

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Fife Council

From: Scott Simpson [REDACTED]
Sent: 06 July 2023 14:03
To: Judith Horrill
Subject: Natural beach recharge and stabilisation of dune system- Eden Estuary Sands
Attachments: Eden Estuary Email.pdf; Screening Cover Letter.pdf; Screening Opinion.pdf; Screening Checklist.pdf

Dear Judith

Thank you for your consultation request for the above and as per the attached email. I can confirm that Fife Council as Planning Authority do not consider that this proposal would require an EIA.

I have also attached an EIA screening response (23/01186/SCR) which was provided to the applicant on 1st June 2023 which confirms Fife Council's view regarding this, whilst I am also currently dealing with an application for full planning permission (23/01601/FULL) for this proposal which was received on 13th June 2023. Both these applications are available to view online at [Simple Search \(fife.gov.uk\)](https://www.fife.gov.uk/simple-search).

Please do not hesitate to contact me if you have any further queries regarding this matter.

Kind regards

Scott Simpson
Planner
Major Business and Customer Service
Planning Services
Fife House
North Street
Glenrothes
KY7 5LT

If you are an applicant or agent submitting plans or other information relating to a specific planning application please **upload** them via www.eplanning.scot as Post Submission Additional Documentation (PSAD).

If you wish to comment on or track the progress of an application, please use the Fife Council [online planning service](https://www.fife.gov.uk/online-planning-service).

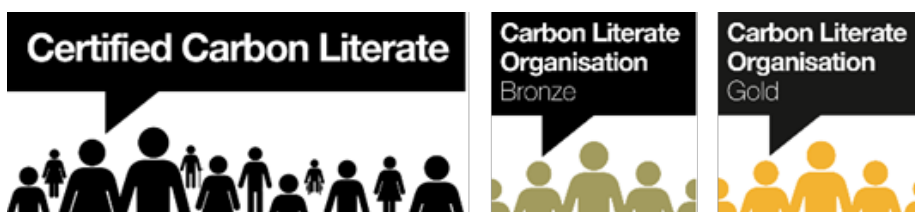
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SCREENING OPINION –ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017 (EIA Regs)

23/01186/SCR –EIA screening opinion request for natural beach recharge and stabilisation works to dunes on land to the north-west of West Sands Road, West Sands Road, St Andrews, Fife

Proposal

The developer has submitted a request for a screening opinion for the above noted proposal. The supporting documentation includes all the information required by the regulations, including a location plan, a description of the development, a description of the location of the development and the physical characteristics of the site, a description of the aspects of the environment likely to be significantly affected by the development and any likely significant environmental impacts. The submission also refers to proposals to mitigate against any significant environmental effects and includes a construction environmental management plan.

Location and Site Description

The application relates to two sites at the Outhead in the Eden Estuary. The first site (donor site) is located in the sandbank area to the north-east of this natural peninsular, and the second (recipient) site is located along the north-western corner of the Outhead. The donor site consists of an area of level sandbank, whilst the recipient site consists of a coastal beach foreshore environment with a raised vegetated (marram grass) bank backdrop, which has become eroded through time. Access to the sites can be achieved via the West Sands Road then the designated beach/dune pathways. The site would extend for a length of 175 metres along the dunes/parallel to the beach and would extend seawards by some 25 to 30 metres. The works would involve approximately 120000 to 15000 cubic metres of sand which would be extracted from the donor site and then used for the natural beach recharge. The adjacent land uses are leisure and recreational (Golf Course) and the estuary itself. Both sites are located within the Firth of Tay - Eden Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC), which have European protection for their wintering birds (individual species and total assemblage greater than 20,000 birds), for a number of breeding bird species (especially the Little Tern), its population of Harbour Seals and for a range of ecological habitat types (estuaries, inter-tidal mudflats and sandflats not covered by seawater at low water, and sub-tidal sandbanks). The site is also located within a Local Landscape Area and the Eden Estuary Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR).

Type of Development

The proposed development does not fall within Schedule 1. The proposal is a Schedule 2 development of the EIA Regulations. In this case:

10. Infrastructure Projects

(m) Coastal works 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, excluding the maintenance and reconstruction of such works.

The applicable threshold and criteria associated with Section 10 (m) type developments are:-

All development

Assessment of Impacts

To assist with this assessment Planning Circular 1/2017, PAN 1/2013 (Revised June 2017), and the Scottish Government EIA web-pages provide recommended checklists and guidance, whilst Schedule 3 to The Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out indicative thresholds and criteria regarding the type and scale of development. They all provide advice

and guidance from which the requirements for an EIA can be assessed and conversely the sort of development for which an EIA is unlikely to be necessary. Schedule 3 to the EIA Regulations (“Selection Criteria for Screening Schedule 2 Development”) sets a context within which the significance of the potential effect on the environment can be assessed. These are:- characteristics of the development, environmental/ecological sensitivity of the location, and the characteristics of the potential impact.

The key considerations in this respect are outlined below (these are not exhaustive):

- Residential amenity (noise/odour/dust etc).
- Landscape/Visual impact.
- Climate Change.
- Drainage/Flooding.
- Potential impacts on marine/ornithological and other recorded flora and fauna interests etc (in terms of roosting/breeding/feeding/migration patterns etc).
- Impact on wider ecology/natural heritage/designated sites and their related conservation objectives.
- Contamination/pollution/ground conditions.
- Transportation and access.
- Impact of temporary facilities/works.
- Impact on services and safety/infrastructure.
- Accident/Incident/Emergency protection/arrangements.
- Pollution prevention.
- Decommissioning/demolition/construction operations.
- Necessity/effectiveness of proposal.
- Consideration of alternative solutions.
- Future monitoring and remedial works.

The Planning Authority is obliged to assess the proposal against indicative criteria in Schedule 3 to the Regulations to determine whether or not the proposed development is likely to have significant effects on the environment. Planning Circular 1/2017 provides guidance on the EIA (Scotland) Regulations 2017 and states that Schedule 2 development will require an EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. This circular also states that the extent to which mitigation or other measures are taken into account in reaching a screening opinion will depend on the facts of each case. In some cases, the measures may form part of the proposal, be modest in scope or so plainly and easily achievable that it will be possible to reach a conclusion that there is no likelihood of significant environmental effects. The planning authority must have regard to the information provided by the developer and should interpret this in light of the precautionary principle and taking into account the degree of uncertainty in relation to the environmental impact, bearing in mind that there may be cases where the uncertainties are such that Environmental Impact Assessment is required.

In this case, whilst the full final technical specifications have yet to be submitted there is sufficient detail provided at this stage to allow an EIA Screening Opinion to be carried out.

Conclusion

Regulation 3 of the Environmental Impact Assessment (Scotland) Regulations 2017 prohibits the granting of Planning Permission for such developments likely to have significant effects on the environment because of factors such as its nature, size or location, unless the EIA procedures have been followed. Further to this, Regulation 3 also requires a Planning Authority to state in their decision that they have done so.

Taking into account the characteristics of the development (e.g. scale, location, works/methods of remediation proposed, materials and operations proposed, likely wider geographical implications etc), the environmental sensitivity of its location and surrounds, the potential impact on species and other environmental/natural heritage issues, other materially relevant environmental related criteria, the completion of the Scottish Government EIA Screening Checklist, and the Selection Criteria for Screening Schedule 2 Development, the Council as Planning Authority has adopted the opinion that the proposal will not require an EIA. It is considered that the proposed CEMP and mitigation measures would result in no significant environmental impacts on the site in EIA terms. The impact on the site will also be fully assessed through any future application for full planning permission and any proposed mitigation measures could be controlled through any potential permission.

Please be aware that this opinion takes account of all the materially relevant information submitted as part of the applicant's EIA Screening Opinion request dated April 2023. The Planning Authority therefore reserves the right to review this opinion should a formal application be lodged in the future for this proposal and circumstances have changed in the interim period (i.e., material changes have been made to the remediation works proposed etc).



Scott Simpson
Planner (Planning Applications)
Major Business and Customer Service
Planning Services

31st May 2023



.....
Declan Semple
Lead Officer (Planning applications)
Major Business and Customer Service
Planning Services

1st June 2023



By email to: Judith.Horrill@gov.scot

Judith Horrill
Marine Licensing Casework Officer
Marine Scotland (Aberdeen Office)

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300066393

6 July 2023

Dear Judith Horrill

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017
Eden Estuary Sands - Natural beach recharge and stabilisation of dune system
Request for Screening Opinion](#)

Thank you for your consultation which we received on 15 June 2023 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.

The Proposal

We understand that it is proposed to make a marine licence application for the licensable activities associated with the removal of sand from a donor site at Outhead, Eden Estuary Sands for recharging the nearby receptor site in order to restore the dune face and beach level.

Our Screening opinion

We consider that there are unlikely to be impacts on our historic environment interests of a level that would require consideration through the Environmental Impact Assessment (EIA) process. However, our advice below notes that the donor site in particular has a history of recorded sea losses. We would therefore recommend that the proposed Construction Environmental Management Plan include a mitigation strategy setting out appropriate steps should wreck material be present.

Our advice

The sandbar where the donor site is located forms an obstruction at the mouth of the river Eden and as such it has a long history of recorded ship losses. There are three recorded losses in the 19th century and it is possible that wreckage related to these losses may be present.

It should also be highlighted that there is a recorded loss of an aircraft during World War II. A Fairey IIIIF is reported to have hit a pole and crashed in shallow water on 25 October 1933 (<https://canmore.org.uk/site/328307/ac-fairey>). The wrecks of all military aircraft are



automatically protected under the Protection of Military Remains Act 1986. It is unclear whether this aircraft was recovered at the time and the chances of encountering wreckage related to it during the sand extraction is likely to be low.

While we consider the proposals unlikely to have impacts on our historic environment interests of a level that would require consideration through the EIA process, we recommend a mitigation strategy is developed which sets out steps to be taken in the event of wreckage being uncovered. This should include liaison with the Ministry of Defence, who are responsible for administration of the Protection of Military Remains Act 1986.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Adrian Lee and they can be contacted by phone on [Redacted] or by email on [Redacted]

Yours faithfully

Historic Environment Scotland

Scottish Environment Protection Agency

From: Planning South [REDACTED]
Sent: 14 July 2023 15:27
To: Judith Horrill
Subject: FW: SEPA Ref 9501- SCR-0059

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Judith,

Section 3 of our [Standing Advice on Marine Consultations](#) is advice for Marine Scotland. The advice provided applies to all development where applicable. The onus is on you (Marine Scotland), to assess the scope of the proposed marine works and to determine which sections are applicable.

Kind regards,

Jonathan Werritty
Senior Planning Officer
Scottish Environment Protection Agency

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From: [REDACTED]
Sent: Tuesday, July 11, 2023 11:49 AM
To: Planning South [REDACTED]
Subject: RE: SEPA Ref 9501- SCR-0059

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Good morning,

Thanks for your response to this request for screening consultation. Please can you confirm what section of the standing advice would be most applicable to this proposed work.

Kind regards,

Judith

Judith Horrill

Marine Licensing Casework Officer, Licensing Operations Team, Marine Directorate

Scottish Government | Marine Laboratory | Aberdeen | AB11 9DB

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OFFICIAL

From: Planning South <[redacted]>
Sent: 07 July 2023 10:05
To: Judith Horrill [redacted]
Subject: SEPA Ref 9501- SCR-0059

OFFICIAL

Dear Judith Horrill

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCR-0059**

Natural beach recharge and stabilisation of dune system- Eden Estuary Sands

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on our website at www.sepa.org.uk/environment/land/planning.

In addition, please also refer to our [SEPA standing advice for the Department for Business, Energy, and Industrial Strategy and Marine Scotland on marine consultations](#)

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind Regards,
Jonathan Werritty
Senior Planning Officer
Planning Service

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