

Tiffany Parsons

Caledonian Maritime Assets Limited
Per Jacobs
95 Bothwell St
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Date: 16 August 2023

Dear Ms Parsons,

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

Thank you for your screening opinion request dated 3 July 2023 in regard to the proposed pier replacement works, phase 1, including the construction of new temporary concrete slipway, removal and replacement of the existing concrete slipway, land reclamation and dredging at Cumbrae Slipway, Isle of Cumbrae, (“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 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 an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

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

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must 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 existing 20 metre (“m”) double width concrete slipway will be replaced with a new concrete slipway in the same location. A temporary 15 m concrete slipway will be constructed approximately 35 m south of the existing facility. Both the permanent and temporary slipways will be constructed using sheet pile walls with a granular fill and a concrete capping slab.

For the permanent slipway, the concrete surface of the existing slipway will be removed to enable the installation of anchor walls and tie rods for sheet pile walls. A perimeter of sheet pile walls will be installed for both the permanent and temporary slipways using land-based plant where possible. The sheet pile wall for the permanent slipway will encapsulate the existing slipway. When required, the piles will be hammered or vibrated through to the seabed. Voids will be infilled with granular material. The slabs will be poured in-situ and a

cofferdam will be constructed around the lower half of the slipways during the concrete pour to minimise the risk of concrete migrating into the water column. The upper half of the permanent slipway will be poured at a low tide to minimise risk of pollution. The upper half of the temporary slipway will be supported by rock armour revetments in lieu of sheet piles. If required, a rock armour slope or scour protection will surround the temporary slipway and scour protection may be used to surround the toe of the permanent slipway.

The temporary slipway will be used to maintain ferry service throughout the Proposed Works. Once the replacement pier is operational the temporary slipway will be removed. All non-natural materials will be removed and taken above Mean High Water Springs (“MHWS”) for disposal or recycling. The seabed will be reinstated to its original profile, confirmed through the use of a bathymetric survey and divers.

A working platform to the north side of the permanent slipway will be partially below MHWS. The platform will be built up by compacted granular fill. A rock armour revetment will be constructed around the perimeter. Where possible materials will be placed using a long reach excavator or crane on a barge. No piling is anticipated for the construction of the working platform. It is currently unknown if this working platform will be retained permanently as part of a second phase of the project. If it is not required, it will be removed after the temporary slipway is removed and the seabed will be reinstated to its original profile. Material generated during the removal of the working platform will be taken above MHWS for disposal or recycling.

The Proposed Works include dredging in two locations, at the toe area of the reconstructed slipway and to the toe area of the temporary slipway. The total estimated dredge volume is 1500 cubic metre. Dredging is required to allow access for ferries.

The total area of works below MHWS is 2,500 square metres. The indicative timeframe for the Proposed Works is approximately 16 months.

Location of the works

The Proposed Works are located within the Firth of Clyde and may affect a number of important protected species, including cetaceans and otters. NatureScot identified the nearest protected site as the Ballochmartin Bay Site of Special Scientific Interest located approximately 550 m to the south of the Proposed Works and noted it to be the only designated site within 2 kilometres of the Proposed Works.

NatureScot advised that a number of European Protected Species (“EPS”), and Priority Marine Features (“PMFs”) are found within the Firth of Clyde and the impact of the Proposed Works on them needs to be evaluated. NatureScot advised that its main concerns are due to underwater noise and vibration from the piling and construction activities and the potential to disturb marine EPS, specifically cetaceans. NatureScot advised that an ecological impact assessment should be produced to enable potential impacts on protected areas, EPS, and PMFs to be evaluated and suitable mitigation measures identified if required. The Scottish Ministers agree that an ecological impact assessment should be produced to support any marine licence application and an EPS licence sought if residual impacts on cetaceans remain unmitigated.

NatureScot noted that otters (*Lutra lutra*) widely occur around the Cumbrae coastline and could be affected by the Proposed Works. An otter survey, specific to the Proposed Works, should therefore be carried out. If otter could be affected by the Proposed Works, a species specific protection plan should be prepared to support any marine licence application. You are also advised to speak to NatureScot regarding the requirement or otherwise of a licence to disturb otters.

NatureScot concluded that given the location, scale, and characteristics of the Proposed Works, potential impacts are unlikely to have a significant effect on natural heritage interests and an EIA is not required.

HES advised that the Proposed Works are unlikely to have a significant impact on its historic environmental interests at a level that would require consideration through the EIA process. HES did confirm the wreck of the Catalina flying boat is in the area surrounding the Proposed Works however, it advised that it is content the Proposed Works are at a sufficient distance so that significant effects are unlikely.

Characteristics of the potential impact

North Ayrshire Council advised that it did not consider the Proposed Works as an EIA project.

In its response SEPA referred to its standing advice and indicated that it had no site-specific comments to make.

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 North Ayrshire planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website. <https://marine.gov.scot/node/24306>

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

Yours sincerely

Maureen McIntyre

Marine Directorate - Licensing Operations Team