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Mr Steven Cameron
Cameron Planning
Clifton Cottage
29 East Argyle Street
Helensburgh
G84 7EJ

Date: 22 December 2022

Dear Mr Cameron,

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

I refer to your screening opinion request dated 28 September 2022 (“Screening Request”) regarding proposed changes to the design and construction methodology for the licensed Granton Harbour redevelopment project in Edinburgh (“the Proposed Works”). Two marine licences were granted for the Granton Harbour redevelopment project in April 2019 and subsequently varied in July 2022 (“the Licensed Works”).

The Licensed Works are an Environmental Impact Assessment (“EIA”) project therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), on the basis that they constitute a change to schedule 2 works already authorised. The Proposed Works meet the threshold and criteria of paragraph of schedule 2 of the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an 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”), The City of Edinburgh 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 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 Licensed Works are the redevelopment of Granton Harbour into a marina, including land reclamation, construction of a sheet piled quay wall, revetment and mole extension. The sheet piled wall is to be backfilled with hardcore material to reclaim approximately 6060 square metres (“m²”) of land. Capital dredging to remove 241,365 cubic metres (“m³”) of material in the area of the new marina is also licensed as part of the project. The top 1.2 metres (relative to current seabed level) of material from the site, excluding the area around pre-dredge sample stations 8 and 9 (where elevated levels of contaminants were indicated), are to be disposed of at the Oxcars or Narrow Deep deposit sites. The sample station 8 and 9 material, along with all material from below 1.2 metres, are to be taken for disposal on land. It was estimated that around 86,980 m³ of material will be deposited at sea and 154,385 m³ will be taken for land based disposal. The Licensed Works do not include the use of dredged material as infill.

The Proposed Works include changes to the design and construction methodology of the Licensed Works, including increasing the land reclamation area on the western side of the harbour to 11,500 m². It is proposed to utilise stabilised contaminated dredged material from the surface of the harbour basin together with the stockpiled surplus inert material currently present on site, as infill for this land reclamation area. In addition, the Proposed Works involve straightening and shortening the western edge of the harbour forming the infill area with a 195 m length rock revetment wall in place of the sheet piled harbour wall which is authorised as part of the Licensed Works.

The Proposed Works include a reduction in the size of the marina, however no details of the new configuration of piled pontoons are included within the Screening Request. The Screening Request indicates that there may be a change to the dredge area by changing the depths and extents of the dredge pockets which may lead to an increased dredging area. The Screening Request does however state that there may be a slight reduction in dredging activities due to the reduced size of the marina. The Screening Request also indicates that the roundhead at the end of the north mole breakwater extension may be replaced by a heavy breakwater pontoon.

Location of the works

The Proposed Works are located in close proximity to the Firth of Forth Site of Special Scientific Interest (“SSSI”), the Outer Firth of Forth and St Andrews Bay Complex Special Area of Conservation (“SPA”) and the Firth of Forth SPA designated for bird species and other qualifying species and habitats. The Screening Request identifies no significant impacts to drivers of sediment transport as a result of the Proposed Works and no impacts on the SPAs or the SSSI are identified.

In its advice, NatureScot stated that the increased area of land reclamation and the construction of rock revetments instead of sheet piling raised no significant concerns if the existing mitigation is adhered to. NatureScot however advised that as the use of contaminated dredged material as infill was not assessed in the EIA prepared for the Licensed Works or the associated Habitats Regulations Appraisal (“HRA”), any risks and potential impacts to the marine environment have not been identified, together with any additional mitigation to address these risks. NatureScot were therefore unable to advise that there will not be an adverse impact on the site integrity of the Firth of Forth SPA or SSSI as a result of the Proposed Works. NatureScot advised that an EIA and an updated HRA are

required to assess the potential environmental impacts of using contaminated material as infill.

Characteristics of the potential impact

The Screening Request provided an updated wave modelling study, which considered the changed revetment wall design and the changed dredging plan, although omitted the breakwater pontoon. The study showed that the Proposed Works reduce wave heights for all examined storm events in comparison to both baseline and the Licensed Works. In addition, it is noted that compared to the Licensed Works there would be a reduction in piling. Whilst piling would still be required in respect of the installation of the pontoons, the proposed use of rock revetment would replace the sheet piled wall design which is part of the Licensed Works.

HES advised that in its opinion the Proposed Works will not result in significant impacts on historic environment interests and it had no further comment to make. The City of Edinburgh Council advised that it was of the view that the Proposed Works do not require consideration through EIA.

SEPA however considered there to be considerable potential for significant impacts on the marine and terrestrial environments from the Proposed Works and advised that an EIA is required to understand the full range of significant environmental impacts and setting out how these can be avoided, reduced or mitigated.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the Proposed Works have the potential to alter the significance of the environmental effects previously assessed in regards to the Licensed Works, and additional significant environmental effects may be introduced as a result of the changes.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that an EIA is required to be carried out in respect of the Proposed Works.

A copy of the screening opinion has been forwarded to The City of Edinburgh 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

Thomas Inglis

Marine Scotland - Licensing Operations Team

Appendix I

SEPA

Dear Mr Inglis

I understand your colleague, Hamish Wright, is no longer with your team.

I am sending you a copy of the letter sent to him (attached) and in this email provide a clarification on the screening for the requirement for EIA.

The activities being undertaken in the marine environment and which could result in land-based activities (regulated by SEPA) could have significant environmental impacts. Furthermore, we consider there is the potential for activities and impacts which would fall under the illegal activities specified in section 33 of the Environment Protection Act 1990 (as amended). If this is the case, SEPA would be required to investigate further and also to provide advice on the duty of care for waste.

There is considerable potential for significant impacts on the environment in the marine environment and in the land-based environment. SEPA considers EIA would be beneficial in understanding the full range of significant environmental impacts and setting out how these can be avoided, reduced or mitigated. We consider an EIA is required.

Please contact me should you wish to discuss or if you require further information.

Yours sincerely,

Paul Lewis MRTPI
Senior Planning Officer
Scottish Environment Protection Agency | Silvan House | SEPA 3rd Floor | 231 Corstorphine Rd | Edinburgh | EH12 7AT



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Hamish Wright
Marine Scotland
Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Our Ref: PERMS 7111
Your Ref: SCR-0048

SEPA email contact: Paul Lewis at
PlanningSouthEast@sepa.org.uk

2 November 2022

By email only to: [REDACTED]

Dear Mr Wright

**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
EDINBURGH MARINA GRANTON HARBOUR LTD – GRANTON HARBOUR REDEVELOPMENT**

Thank you for consulting SEPA on the screening opinion for the above development proposal by your email received on 12 October 2022.

We met by means of a Teams Call with some of your colleagues on the 20th of October 2022 and we understand that some of the development to which this screening request relates has already taken place, and it is subject to a Stop Notice from Marine Scotland and remedial works may be necessary. Such remedial works, we understand, would necessitate the materials which have been used for the development to be moved to land. If these materials are to be moved to land they may need to be considered in terms of The Waste Management Licensing (Scotland) Regulations 2011 which are implemented by SEPA.

It is this aspect of the proposed development which is of interest to SEPA and which has to be considered in terms of its environmental impacts.

Information which should be detailed and assessed for environmental impacts include:

The quantity and nature of the material used in this development and its original source or location, with details of any materials which were demolition waste and which might be contaminated.

The proposed or current location of this material.

Details of how any material which may be required to be moved to land is to be sorted, re-used on land or sent to landfill. Details of quantities for all material to be re-used or landfilled with details of their original source, the nature of the material, the potential contamination of the materials.



Chairman
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If EIA is required, we will comment and give detailed advice on the scope of the EIA and the level of detail necessary both in the proposal (the plans) and the assessment of the proposal (the EIA). At this stage, however, we would make the following observations.

1 Radioactive Substances

- 1.1. The applicant should consider if the nature of the proposal or the nature of the location could result in disturbance of contaminated sediments. The ES should demonstrate that this issue has been addressed, and, if a significant issue, then measures to minimise disturbance and subsequent relocation of such contamination, and to monitor impacts, should be set out within the ES. If it is suspected that such sediments may be contaminated with radioactive substances, further advice should be sought from SEPA as disturbance and movement of radioactively contaminated sediments may require authorisation under the Radioactive Substances Act 1993.
- 1.2. Should the proposal involve the disposal of radioactive waste, this will need to be undertaken in accordance with an authorisation issued by SEPA under the Radioactive Substances Act 1993. The applicant will need to give further consideration to how these wastes will be managed and details of the proposed methods will need to be submitted to SEPA as part of their application for authorisation under the Radioactive Substances Act 1993. As this information relates to potential significant environmental effects, SEPA's advice is that such information should also be included within the ES.

2 Coastal Processes

- 2.1. Depending upon the nature, scale and location of the proposed development the potential exists for there to be changes to coastal and sediment transport processes in the adjacent water body on completion of the development. The ES should assess the significance of such alterations and discuss the implications of these with respect to shoreline and seabed morphology.

3 Pollution prevention and environmental management

- 3.1. One of SEPA's key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.
- 3.2. We advise that the applicant should, through the EIA process, systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the development. A draft Schedule of Mitigation should be produced as part of this process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. Please refer to the Pollution prevention guidelines. Other pollution prevention and environmental best practice guidance that may be drawn upon includes that produced by CIRIA .
- 3.3. A Construction Environmental Management Plan is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of this document are set out in the ES outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation. Best practice advice developed by The Highland Council (in conjunction with industry and other key agencies) on the Construction Environmental Management Process is available in the guidance note [Construction Environmental Management Process for Large Scale Projects](#).

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4. Flood Risk

- 4.1. Any coastal development should be assessed for flood risk from all sources in line with Scottish Planning Policy (paragraphs 254-268). The [Flood Maps](#) for Scotland are available to view online and further information and advice can be sought from your local authority technical or engineering services department and from the planning and flood risk section of our [website](#), which also contains information on SEPA's role in flood risk.
 - 4.2. If a flood risk is identified then a Flood Risk Assessment should be carried out following the guidance set out in the document [Technical flood risk guidance for stakeholders](#).
 - 4.3. Climate change is placing increasing pressures on coastal marine environments. SEPA's guidance within this document helps to demonstrate SEPA's commitment to its public body duties under Section 44 of the Climate Change (Scotland) Act 2009, by assisting in ensuring that a consistent and proportionate approach is taken to maintaining the resilience of our coast to changes in our climate.
- #### 5. Onshore engineering activities in the water environment
- 5.1. If the engineering works proposed are likely to result in increased flood risk to people or property then a Flood Risk Assessment should be submitted in support of the licence application.

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 local compliance team at: ELB@sepa.org.uk.

If you have queries relating to this letter, please contact me at PlanningSouthEast@sepa.org.uk.

Yours sincerely

Paul Lewis MRTPI
Senior Planning Officer
SEPA 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](#).

Local Authority

Good morning Thomas,
My colleague got back to me this morning, so I'm now in a position to formally respond to your consultation.

The Council have previously been consulted on these works at Granton Harbour, most recently in May, where the Council was of the view that the extension to the licence did not require an additional EIA. The revised proposals seem to involve the modest alteration of the previous consented scheme. As a result, the Council continues to take the view that the proposed works do not require consideration through the EIA process.

Kind regards

Keith Miller

Keith Miller | Senior Planning Officer | Development Planning | Planning & Building Standards | Sustainable Devt | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G3, 4 East Market Street, Edinburgh, EH8 8BG | [REDACTED] | www.edinburgh.gov.uk

Please note that as a result of the Covid-19 situation I am currently working from home full time.

Have you signed up to the Planning Blog? We will be using the Planning Blog to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the Planning Blog to make sure you are up-to-date.

NatureScot

I just sent this to Anni but thought I should send it to the general mailbox too.

Carolyn

From: Carolyn Clark

Sent: 30 November 2020 10:13

To: [REDACTED]

Subject: RE: SCR-0048 - Edinburgh Marina Granton Harbour Ltd - Granton Harbour Redevelopment - NatureScot response

Hi Anni

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
EDINBURGH MARINA GRANTON HARBOUR LTD - GRANTON HARBOUR REDEVELOPMENT

Thank you for your e-mail clarifying some aspects of the revised design and construction of the Granton Harbour redevelopment, as it relates to the current EIA screening consultation.

The current proposal is for a revision to aspects of the design and construction of the Granton harbour redevelopment, for which we originally provided EIA and HRA advice. Our advice then concluded there would be no significant impacts (or no adverse effects on site integrity in relation to the HRA) providing the agreed mitigation was in place.

Some of the changes to this current proposal relate to an increased area to be reclaimed, and construction of rock revetments rather than sheet piling for walls. These aspects of the application have been re-assessed due to these changes, with the screening report concluding no significant effects from these changes. We have no further comment relating to these changes, since no additional significant impacts have been identified.

Another area of change, which wasn't apparent within the EIA screening report but which you've highlighted, is that contaminated dredged material will be used for the infill behind the revetment wall. We understand that this is not currently permitted and was not assessed in the original EIA or HRA. The original EIA was based on contaminated dredged material being taken offshore for disposal. The EIA screening report also highlights that the same mitigation will be carried forward from the original EIA. Since the use of contaminated material was not originally assessed, through EIA or HRA, any risks and potential impacts to the marine environment have not been identified, together with any additional mitigation to address these risks. Therefore we cannot say that there won't be significant impacts on the Firth of Forth SPA/SSSI (or no adverse effect on site integrity in relation to the HRA) from this change. We therefore advise that an EIA, and updated HRA, is required to assess the potential environmental impacts of using contaminated material as infill at the harbour.

I hope this is helpful. Should you need to discuss further, then please get in touch.

Regards,

Carolyn

Carolyn Clark | Operations Officer - South

Hi Thomas,

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
EDINBURGH MARINA GRANTON HARBOUR LTD - GRANTON HARBOUR REDEVELOPMENT

Thank you for your consultation regarding the EIA screening for the above proposal and apologies for the late response.

The current proposal is for a revision to some aspects of the design and construction of the Granton harbour redevelopment, for which we provided EIA and HRA advice. Our previous advice concluded there would be no significant impacts (or no adverse effects on site integrity in relation to the HRA) providing the agreed mitigation was in place.

The changes to the proposal relate to an increased area to be reclaimed, and construction of rock revetments rather than sheet piling for walls. Some aspects of the application have been re-assessed due to these changes and the report concludes that these changes will not cause any significant effects. We also note that the previous schedule of mitigation will still apply. As such the screening report concludes that the outcomes of the EIA, and HRA (although it doesn't explicitly mention the IIRA in the conclusions), have not changed. Based on the lack of new potential impacts or mitigation, and the fact that the existing schedule of mitigation will still apply, we do not consider that an EIA, or revised IIRA, is required.

Regards,

Carolyn

Carolyn Clark | Operations Officer - South

NatureScot | Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh, EH12 7AT | [REDACTED]



HISTORIC
ENVIRONMENT
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By email to:
MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
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Longmore House
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Edinburgh
EH9 1SH

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

Our case ID: 300025365
Your ref: SCR-0048
02 November 2022

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Edinburgh Marina Granton Harbour Ltd - Granton Harbour Redevelopment
Request for Screening Opinion

Thank you for your consultation which we received on 12 October 2022 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, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes and battlefields on their respective Inventories.

Our Screening opinion

We understand that the screening consultation relates to the amendment of consented marine licence regarding the layout and construction methods for some elements of the scheme. We note that we were previously consulted on the EIAR for the marine licence application (Marine Licence 06806, December 2018) regarding the construction elements of the proposal and noted that we had no comments.

We are therefore are content that the proposals will not result in significant impacts on our interests and have no further comments to make regarding the proposed amendments to the Marine Licence.

Further Information

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

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scottish Charity No. SC045925
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