

Karl Cooper  
Survey and CAD Services  
Springfield  
Holm  
Orkney  
KW17 2SD

Date: 16 October 2023

Dear Mr Cooper,

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

Thank you for your screening opinion request dated 23 August 2023 with regards to the proposed construction of a sea wall and land reclamation adjacent to Lodge 5, Atlantis Lodges, Finstown, Orkney KW17 2EH (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 1(e) 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”), Orkney Islands Council (“OIC”) 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 Proposed Works involve extending the existing sea wall by 33 metres. Stone blocks will be placed between the end of the new sea wall and the rock face at the back of the shore to form a terraced slope. The area will be infilled with locally sourced quarried and crushed stone and topped with a grass topsoil layer to reclaim 230 square metres of land.

The foundation of the wall will be constructed by excavating a shallow trench in the beach bedrock which will then be filled with concrete cast in-situ., The wall itself will then be built to a height of 1.8 metres using inter-locking pre-cast concrete blocks.

The sea wall work will be carried out between tides and at neap tides so as no concrete pouring will occur underwater. Infilling work will be carried out after the sea wall is complete and the area is fully enclosed which will minimise any washout of infill material. All works will be carried out from the landward side of the development, and any excavated rock will be stored above mean high water springs prior to re-use behind the sea wall. These measures will be implemented to reduce the likelihood of construction materials being washed out into the marine environment.

### **Location of the works**

The Proposed Works are located approximately 55 metres away from the North Orkney Special Protection Area (“SPA”). NatureScot advised that given the small-scale nature of the works, separation distance from the SPA and the existing level of disturbance in the area the Proposed Works are unlikely to significantly affect overwintering waterfowl of the SPA. NatureScot also concluded that there is unlikely to be any significant disturbance to the red-throated diver qualifying interest that forages in the SPA during their breeding season (April to mid-September, inclusive). NatureScot supported the proposed construction methods which will minimise the potential for concrete, silts or other materials to enter the SPA during construction and affect marine foraging habitats for SPA birds.

### **Characteristics of the potential impact**

HES advised that it is content that the Proposed Works will not result in significant impacts on its interests.

OIC marine planning raised concerns regarding potential impacts on the adjacent A965, the main road linking Stromness and Kirkwall, from increased erosion and climate change however referred to the need for specialist advice from OIC planning department. OIC planning department, referred to its own screening opinion (dated 12 May 2023), highlighting that the outcome was that the development was deemed unlikely to have significant effects on the environment, and was screened out on that basis. The Scottish Ministers have considered this along with the specialist advice that was obtained as part of the OIC screening process which concluded that no significant effect was likely in relation to land stability, climate or roads, with OIC Engineering Services indicating that any potential erosion impacts could be dealt with as part of the planning application process. SEPA also advised OIC that the works are of a relatively small scale and unlikely to lead to any increase in flood risk elsewhere.

### **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 Orkney Islands 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,

**Luke Frissung**  
Marine Directorate - Licensing Operations Team





**BY EMAIL**

Claire McGregor

Marine Directorate

[Claire.McGregor@gov.scot](mailto:Claire.McGregor@gov.scot) On Behalf Of [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

14 September 2023

Your ref: SCR-0067

Our ref: CEA172330

Dear Claire,

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
REQUEST FOR SCREENING OPINION - EXTENSION TO A SEAWALL AND LAND  
RECLAMATION**

Thank you for your consultation of 1 September requesting a screening opinion on the above proposal.

**1. Summary**

We advise that the proposal is unlikely to have a significant effect on the qualifying interests of the North Orkney Special Protection Area (SPA).

**2. Appraisal of the Impacts of the Proposal and Advice**

**2.1 North Orkney Special Protection Area (SPA)**

The proposal is close to the North Orkney SPA, protected for its inshore overwintering waterfowl and breeding population of red-throated diver<sup>1</sup>.

We consider that it is unlikely that the proposed development will have a significant effect on any qualifying interests of the SPA, either directly or indirectly.

The proposed extension to the sea wall is approximately 55m from the SPA boundary, and lies within close proximity of the A965 road and Atlantis Lodges. Given the small-scale nature of the works, separation distance from the SPA and the existing level of disturbance in this area, we advise that the proposal is unlikely to significantly affect overwintering waterfowl of the SPA. This development is also unlikely to result in significant disturbance to red-throated diver that forage in the SPA during their breeding season (April to mid-September inclusive).

The applicant has confirmed that the sea wall extension will be constructed with pre-cast concrete blocks, secured in place with concrete foundations that will be cast in-situ. Pouring of the concrete

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<sup>1</sup> Further information on protected sites, and their qualifying features can be found on SiteLink at: <https://sitelink.nature.scot/home>.

foundations will take place during low/neap tides to avoid local contamination of the marine environment. The described approach will minimise the potential for concrete, silts or other materials to enter the SPA during construction and affect marine foraging habitats for SPA birds.

## 2.2 Protected Species

As well as protected sites, the applicant will also need to consider potential impacts on protected species during the Environmental Impact Assessment (EIA) or planning process. To assist with this, we advise that the applicant follows our standing guidance in relation to protected species<sup>2</sup>.

## **3. Concluding Comments**

The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage. Please note that our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal, if submitted for formal consultation as part of the EIA or planning process.

Please do not hesitate to contact me if you require any further information or advice in relation to this proposal.

Yours sincerely,

**Arabella Kennard**  
Operations Officer  
National Operations – North  
[Redacted]

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<sup>2</sup> Planning and development guidance in relation to protected species can be found on the NatureScot website at: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>.



**By email to:**  
[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

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](mailto:HMConsultations@hes.scot)

Our case ID: 300068061  
Your ref: SCR-0067  
11 September 2023

Dear Marine Scotland

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 SCR-0067 - Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney](#)  
[Request for Screening Opinion](#)

Thank you for your consultation which we received on 01 September 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. 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.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

### **Our Screening opinion**

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 understand that the screening is in support of a marine licence for a sea wall and land reclamation works at Finstown, Orkney. These works comprise shallow excavation and backfilling with concrete to form a seawall foundation, with interlocking blocks forming the sea wall. We are content that the proposed development will not result in significant impacts on our interests. We therefore have no further comments to make for the proposals.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Sam Fox and they can be contacted by phone on 0131 668 6890 or by email on [Redacted]



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

**From:** [Planning.North](#)  
**To:** [Redacted] [MS Marine Licensing](#)  
**Subject:** SEPA Response 10361 SCR-0067 Extension to Sea Wall and Land Reclamation Atlantis Lodges Finstown, Orkney  
**Date:** 05 September 2023 14:48:17  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Thank you for your consultation below.

Please refer to [SEPA standing advice for Marine Scotland on marine consultations](#) - extracts as below

### **Marine Scotland**

2.2 *Please do not routinely consult SEPA directly on any applications which are purely within the marine environment, including at any stage of EIA or repeat consultations. Please consider our standing advice in Section 3 as SEPA's views and consultation response, where relevant.*

### **3. Advice for Marine Scotland**

#### **Standing advice**

*For all matters covered by the below advice, SEPA has not assessed the application, has no site-specific comments to make and, where relevant, does not consider EIA is required from our perspective.*

#### **Bathing Waters**

*Any operation should be cross checked to see if the proposed site is in or adjacent to a designated bathing water (within 2 km). If so, all physical operations should be done outwith the Bathing Water Season (1 June to 15 September).*

*If works to be done within Bathing Water Season, a strong case should be made as to why a particular operation would not present a risk to Bathing Waters.*

*Please refer to the Bathing waters section of our website [www2.sepa.org.uk/bathingwaters/](http://www2.sepa.org.uk/bathingwaters/) for further guidance on the Bathing Waters Directive (2006/7/EC).*

#### **Pollution prevention**

*Many operations could potentially give rise to risk of pollution through silt mobilisation, silt suspension or chemical or oil spillages. To prevent pollution and safeguard marine ecology interests it is vital that good working practice is adopted, and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. Measures need to be in place to minimise the release of sediment plumes and to contain and prevent construction and waste materials e.g., paint from falling from a structure into the water body beneath. Where appropriate, mitigation measures should be sought within method statements and onsite compliance should be confirmed through site visits.*

*Please refer to [gpp-5-works-and-maintenance-in-or-near-water.pdf](#) ([netregs.org.uk](http://netregs.org.uk)). This includes working with concrete, cement and grout.*

*SEPA has no objection to the release of sediment tracing material into the water environment for the undertaking of a dispersion study (e.g. for aquaculture or septic tank flows). However, we strongly recommend the use of biodegradable material. We do not consider the use of non-biodegradable products (e.g. microplastic beads) to be the best environmental option.*

#### **On-shore works and restoration**



*With regard to works on the shoreline, the applicant should refer to the appropriate sections in the Guidance for Pollution Prevention (GPPs) and CIRIA Guidance, in particular C744 Coastal and marine environmental site guide. 2nd edition, 2015 CIRIA. Disturbance to the shoreline should be minimised and the shore restored to as near its former condition following the works as reasonably possible on completion of the works. SEPA recommends that new infrastructure, including sea outfalls (including septic tank outfalls), be buried where possible and redundant structures and materials be removed.*

*Please refer to CAR\_a\_practical\_guide.pdf (sepa.org.uk) for a guide to The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) including an overview; definitions of the regimes; levels of authorisation and the General Binding Rules.*

*The developer should consider if waste deposition could constitute landfill and should therefore be subject to authorisation under PPC and should comply with all relevant environmental legislation and to check our website at [www.sepa.org.uk/regulations/](http://www.sepa.org.uk/regulations/) and contact SEPA via the online form with any site-specific issues. Where appropriate, any waste materials should be removed and disposed of at a licensed onshore site.*

### ***Dredge spoil***

*Dredged material should be disposed of at an offshore sea disposal site and that work must be carried out in line with best dredging practices. Material should be deposited on the beach below MHWS and allowed to disperse naturally. If any dredged material accumulates above MHWS, disposal operations must cease until the material has dispersed.*

### ***Waste material (includes dredge spoil) above the low water mark***

*Waste material, which includes dredge spoil, deposited above the low water mark is subject to Waste Management Licensing controls regulated by SEPA unless it is subject to a licence issued under Part 4 of the Marine (Scotland) Act 2010 (which can extend to Mean High Water Spring Tide including within estuaries, rivers and channels), in which case it is excluded from such controls. However, if the waste deposition could constitute a landfill, then PPC not Waste Management Licensing would apply, and in this situation no Marine Licence exclusion is provided for.*

*Where dredge spoil is used for land reclamation works or harbour works then the method of construction will determine how the activity is regulated. If the works are carried out by way of deposit of material directly onto the intertidal zone or within a permeable bunded area (for example a bund made of placed stones) then the works will be considered to be occurring in the marine environment and will be regulated by Marine Scotland. If the works are constructed by way of initially creating an impermeable bund (such as a sheet piled metal wall) then the use of waste such as dredge spoil for infill works will be considered to be occurring above mean high water springs and therefore will be controlled by SEPA. Such works would require either a waste management licence or a waste management exemption.*

*The applicant should consult the local SEPA Regulatory Services team (see contact sheet for details) for advice on whether or not the proposed waste deposition would constitute a landfill and hence fall within PPC regulation, including for the controlled placement of dredged sands from harbours onto adjacent beaches and/or seabed.*

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

Kind regards

Clare

**Clare Pritchett**

Senior Planning Officer

Planning Service, SEPA

Email: [planning.north@sepa.org.uk](mailto:planning.north@sepa.org.uk)

Telephone: [Redacted]

Part Time: Tuesday, Wednesday & Thursday

*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](#).*

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*Registered office: SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ*

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PUBLIC

**From:** [Redacted]

**On Behalf Of**

[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

**Sent:** Friday, September 1, 2023 11:39 AM

**Subject:** SCR-0067 - Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney - Consultation on Request for Screening Opinion - Response Required by 21 September 2023

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("the EIA Regulations")**

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

Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney

Atlantis Lodges have requested the Scottish Ministers adopt a screening opinion in relation to the above proposed works under regulation 10(1) of the EIA Regulations.

I should be grateful if you would please review the information found here: [Screening - Extension to Sea Wall and Land Reclamation - Atlantis Lodges, Finstown, Orkney - SCR-0067 | Marine Scotland Information](#) and, as required by regulation 10(5) of the EIA Regulations, provide your view as to whether the above proposed works are an EIA

project as defined in the EIA Regulations.

In accordance with regulation 10(6) of the EIA Regulations, please ensure you provide your view no later than 21 September 2023.

Kind regards,  
Claire

**Claire McGregor (she/her)**

**Marine Licensing Support Officer, Licensing Operations Team, Marine Directorate**

Scottish Government, Marine laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

T: 0300 244 5046

E: [claire.mcgregor@gov.scot](mailto:claire.mcgregor@gov.scot)

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## **23/329/MARCON Atlantis sea wall (part retrospective)**

### **SCR-0067 - Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney - Consultation on Request for Screening Opinion**

#### **OIC marine planning response**

Note (for advice only): the planning application for this proposal (ref 23/248/PP) has yet to be determined, but OIC marine planning have significant concerns regarding potential impacts of the proposal on the adjacent A965, which is the main route from Kirkwall to Stromness. OIC marine planning have requested Development Management colleagues seek further information from our engineering colleagues regarding likely impacts due to increased erosion and other climate change impacts. Our current understanding that this information is pending. The limited information provided to date on the planning application suggests it is contrary to, at least, NMP policies GEN 5 and GEN 8.



The proposal falls under the following of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Schedule 2 works, Column 1:

- 1. 9e) Reclamation of land from the sea;
- 10.m) 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, excluding the maintenance and reconstruction of such works;

Therefore requires an EIAR. Impacts on the adjacent A965 will be a significant factor and MS-LOT should seek specialist advice on this aspect to ensure the climate change and other factors are carefully considered.

**From:** [Jamie Macvie](#)  
**To:** [Luke Frissung](#)  
**Cc:** [planning](#)  
**Subject:** RE: SCR-0067 - Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney - EIA Screening Consultation  
**Date:** 03 October 2023 12:25:05  
**Attachments:** [23-091-SCR.pdf](#)

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**Classification: NOT PROTECTIVELY MARKED**

Afternoon Luke

That's a copy of the adopted screening opinion attached, for the same development, which takes account of relevant technical advice.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the development was concluded as unlikely to have significant effects on the environment, and was screened out.

Regards  
Jamie

Jamie Macvie MRTPI  
Service Manager, Development Management  
Planning and Community Protection  
Neighbourhood Services and Infrastructure  
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Telephone [REDACTED]

Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

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**From:** Luke.Frissung@gov.scot <Luke.Frissung@gov.scot>  
**Sent:** Tuesday, October 3, 2023 11:47 AM  
**To:** Jamie Macvie <jamie.macvie@orkney.gov.uk>  
**Cc:** planning <planning@orkney.gov.uk>  
**Subject:** SCR-0067 - Atlantis Lodges - Extension to Sea Wall and Land Reclamation - Finstown, Orkney - EIA Screening Consultation

Hi Jamie,

The Scottish Government Marine Directorate consulted Orkney Islands Council on 1st September 2023 in relation to EIA screening for the above proposal, under Regulation 10(5) of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. This was forwarded on internally at OIC to Shona Turnbull, who provided advice from a marine policy perspective, highlighting some concerns in relation to the potential impact of coastal erosion, flooding and climate change on the main road in the vicinity. However, it was acknowledged that expertise in relation to these issues lay elsewhere in the local authority (Engineering Services, Climate

Change, Roads etc). Following discussion with Shona, we were provided with your contact details, and it would be appreciated if you could provide statutory consultee advice on behalf of the planning authority in respect of whether OIC believe an EIA report is required.

The relevant paperwork can be found here: [Screening - Extension to Sea Wall and Land Reclamation - Atlantis Lodges, Finstown, Orkney - SCR-0067 | Marine Scotland Information](#)

I understand there is an ongoing case in relation to planning permission and that OIC have already conducted their own screening opinion, so hoping that you have most of the required information to hand and are able to respond within the next week (by 10/10/2023)? If that timescale will not be possible, please let me know.

Thanks,

Luke

**Luke Frissung**

**Marine Licensing Casework Officer**

**Licensing Operations Team, Marine Directorate**

Scottish Government, 375 Victoria Road, Aberdeen AB11 9DB

Email: [luke.frissung@gov.scot](mailto:luke.frissung@gov.scot)

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## **The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**

### **Screening Opinion**

#### **Regulation 9 (1)**

Application reference: 23/091/SCR

Date request received: 9 March 2023

Development description: Erect a sea wall and reclaim land

Location of development: Atlantis Lodges (Land Near), Finstown, Orkney

Applicant: Atlantis Lodges, Finstown, Orkney, KW17 2EH

Agent: Karl Cooper Survey and CAD Services, Springfield, Greenwall Road, Holm, Orkney, KW17 2SD

Orkney Islands Council hereby gives notice, in accordance with the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as the 'EIA Regulations') that the development referred to above is **unlikely** to have significant effects on the environment. The Council's reasons for reaching this conclusion are set out below.

Responses from consultation bodies may be inspected online at [www.orkney.gov.uk](http://www.orkney.gov.uk) following the link to 'Planning and Building', followed by 'Application Search and Submission', using the reference provided above.

#### **Date:**

12 May 2023

#### **Signed:**

Jamie Macvie MRTPI, Service Manager, Development Management

# The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

## EIA Screening Opinion

### Identifying the Development

1. Does the development fall with Schedule 1 or Schedule 2 of the Regulations?

Details of Development		Yes	No
Is the development of a type described in Schedule 1;	No		X
Is the development of a type described in Column 1 Schedule 2;	Yes. 1 (e) Reclamation of land from the sea. 10 (m) 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, excluding the maintenance and reconstruction of such works.	X	
Is the development located in a sensitive area'; <u>or</u>	The site is not in a National Scenic Area. It is also not within a Special Protection Area (SPA) but is located approximately 55 metres from the North Orkney SPA boundary. The site is not located within or close to a Site of Special Scientific Interest (SSSI).		X
Does the development meet any of the relevant thresholds and /or criteria in Column 2 of Schedule 2.	1 (e) All development. 10 (m) All development.	X	

If No, Proceed to Declaration

If Yes proceed to 2. Consideration of EIA (below).



## Consideration of EIA

2. Is the Development likely to have a significant effect on the environment taking into account the following aspects?

<b>Selection Criteria for Screening Schedule 2 Development</b>	
In accordance with Schedule 3 of the Regulations the following selection criteria are used to inform the screening opinion	
<b>1. Characteristics of Development</b>	
The characteristics of development must be considered having regard, in particular, to:	
	<b><i>Yes / No /Briefly Describe</i></b>
The size and design of the whole development;	<p>The proposal is located at the east end of Atlantis Lodges, Finstown. Atlantis Lodges is a self-catering development located between the A965 Kirkwall-Stromness road and the sea.</p> <p>The proposal is to develop a sea wall with backfilling/land reclamation behind, with the intention to provide protection against erosion and wave action, and including a sloping access to the beach. The sea wall would be constructed of interlocking precast concrete blocks with a pedestrian barrier wall above. A shallow excavation into the weathered rock surface of the beach below the wall would be required to securely key cast in situ concrete to bedrock as a wall foundation. No demolition works are proposed.</p>
The cumulation with other existing development and / or approved development;	<p>The proposed development would extend an existing sea wall. The site is distant from private housing, and the adjacent self-catering lodges are owned by the applicant. As the works are limited to the upper foreshore with bedrock below there should be no significant temporary or permanent environmental effects.</p> <p>No significant cumulative impacts are anticipated.</p>

<p>The use of natural resources, in particular land, soil, water and biodiversity;</p>	<p>The proposed development has the potential to impact on water as the geographical area includes an extensive body of coastal waters within Orkney.</p>
<p>The production of waste;</p>	<p>There should be no waste generated as all excavated material shall be incorporated into the permanent works. Imported material, weathered rock and stony clay for infill, would be transported by trucks during normal working hours with tipping in situ, no dust should be generated as the imported material has a high moisture content.</p>
<p>Pollution and nuisances; and</p>	<p>The development is located on the upper foreshore with potential risk of local contamination of the sea by silt and concrete fines. This can be avoided by working 'between tides' and at neap tides.</p>
<p>The risks to human health (for example due to water contamination or air pollution.</p>	<p>It is assumed that there would be no risk to human health. The proposal would not give rise to any impacts on water or result in any air pollution during its operation.</p>

<b>2. Location of Development</b>	
The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard in particular to:	
	<b><i>Yes / No / Briefly Describe</i></b>
The existing and approved land use;	The proposal relates to an eastwards extension of the existing sea wall at the east end of Atlantis Lodges, Finstown, a self-catering development between the A965 Kirkwall – Stromness road and the sea.
The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; and	The geographical area includes an extensive body of coastal waters within Orkney.
The absorption capacity of the natural environment, paying particular attention to the following areas:	
i. Wetlands, riparian areas, river mouths;	The proposed development is not located in a wetland, riparian area or a river mouth.
ii. Coastal zones and the marine environment;	The proposed development is located in a coastal zone in the Bay of Firth. It is located approximately 55 metres from the North Orkney SPA but is unlikely to have a significant effect on any qualifying interests of the SPA.
iii. Mountain and forest areas;	The proposed development is not located within a mountain or forest area.
iv. Nature reserves and parks;	The proposed development is not located within a nature reserve or park.
v. European sites and other areas classified or protected under national legislation;	The proposed development is not located within a European site or other area classified or protected under national legislation.

vi. Areas in which there has already been a failure to meet the environmental quality standards, laid down in Community legislation and relevant to the development, or in which it is considered that there is such a failure;	The proposed development is not located in an area in which there has already been a failure to meet the environmental quality standards, laid down in Community legislation and relevant to the development, or in which it is considered that there is such a failure.
vii. Densely populated areas; and	The proposed development is not located in a densely populated area.
viii. Landscapes and sites of historical, cultural or archaeological significance.	The proposed development is not located in a landscape and/or site of historical, cultural or archaeological significance.



**3. Types and characteristics of the potential impact**

Consideration of the likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above with regard to the impact of the development on the factors specified in regulation 4(2) taking into account:

- the magnitude and spatial extent of the impact (geographical area and size of the population likely to be affected);
- the nature of the impact;
- the transboundary nature of the impact;
- the intensity and complexity of the impact;
- the probability of impact;
- the expected onset, duration, frequency and reversibility of the impact;
- the cumulation of the impact of other existing and/or approved development; and
- the possibility of effectively reducing the impact.

Aspect	Question	Answer	Is a significant effect likely
Transport and Access	Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the development?	<p>From a roads authority perspective, no significant effect is identified.</p> <p>Roads Services has identified that the current public road (A965) in this location is drained by means of 'offlets' that are cut through the verge, which enables surface water from the public road to flow down to the foreshore.</p> <p>Roads Services states that the Applicant must accept that the current roadside drainage will continue to operate, but instead of surface water drainage flowing on to the foreshore, it would instead drain to the area of reclaimed land. Alternatively, the developer must provide some form of drainage system that would collect the surface water drainage from the public road and divert to a new outfall location, with all works and permission being entirely at their own cost.</p>	No significant effect is likely.

Landscape and Visual	<p>Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the development? Where designated indicate level of designation (international, national, regional or local).</p>		No significant effect is likely.
	<p>Is the development in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?).</p>	<p>The applicant states that the development is located at the east end of Atlantis Lodges, Finstown, a self-catering development between the A965 Kirkwall – Stromness road and the sea. The extension to the sea wall/reclaimed area would be visible by visitors to these lodges.</p> <p>The sea wall would also be visible to people travelling along the A965. This is unlikely to be significant as it would be seen in the context of existing sea defences.</p> <p>No issues were raised by the consultation bodies.</p>	No significant effect is likely.

Ecology	<p>Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the development? (e.g, wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local)).</p>	<p>NatureScot has identified that the proposed sea wall would be located approximately 55 metres from the North Orkney SPA. This is protected for its inshore overwintering waterfowl and breeding population of red-throated diver.</p> <p>NatureScot advises that given the small-scale nature of the works, separation distance from the SPA and existing level of disturbance in this area, the proposal is unlikely to significantly affect overwintering waterfowl of the SPA. NatureScot states that the development is also unlikely to result in significant disturbance to red-throated diver that forage in the SPA during their breeding season (April to mid-September inclusive).</p>	No significant effect is likely.
Water Resources	<p>Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the development, particularly in terms of their volume and flood risk?</p>	<p>The applicant has confirmed that the sea wall extension would be constructed using pre-cast concrete blocks, secured in place with concrete foundations that would be cast in-situ. Pouring of the concrete foundations will take place during low/neap tides to avoid local</p>	No significant effect is likely.

		<p>contamination of the marine environment.</p> <p>SEPA has confirmed that the works are relatively small scale and unlikely to lead to any increase in flood risk elsewhere.</p> <p>Scottish Water has confirmed that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.</p>	
Population and Health	<p>Are there existing land uses or community facilities on or around the location which could be affected by the development? Such as housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.</p>	<p>The applicant confirms that the site is distant from private housing. The adjacent self-catering lodges are owned by the Applicant.</p> <p>There is no issue raised by the consultees in relation to the adjacent lodges.</p>	No significant effect is likely.
	<p>Are there any plans for future land uses on or around the location which</p>	<p>A review of the extant and recently determined planning applications in</p>	No significant effect is likely.



	could be affected by the development?	<p>the vicinity of the development site has not identified plans or future land uses which could be affected by the use of the development.</p> <p>SEPA states that it would not support new development on the area of reclaimed land in the future and the wall is not considered formal flood prevention works, so it would not support development behind this area as it may be at risk of coastal flooding.</p>	
Heritage and Conservation	Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the development (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	There are no areas or features near the proposed development that are protected for their cultural heritage or archaeological value. No issues have been identified by the consultation bodies.	No significant effect is likely.
Land Stability and Climate	Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme	The Applicant states that there is no evidence of erosion or scour at the existing adjacent sea wall.	No significant effect is likely.

	<p>/adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the development to present environmental problems.</p>	<p>Therefore, the proposed extension of the sea wall is unlikely to present environmental problems due to erosion.</p> <p>The Council's Engineering Services notes that predicted sea level rise is expected to increase the rate of erosion in this location. A planning application should include a resilient design together with a robust inspection and maintenance plan to counter the tendency toward accelerated erosion at wall or terrace ends. Also, an independent assessment of the effect that the proposed wall and terraced stonework slope might have on the existing shore is required to support a planning application.</p>	
Cumulative Effect	<p>Could this development together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?</p>	<p>This development is not anticipated to have any cumulative effects during the construction/ operation phase. No issues are raised by the consultees.</p>	<p>No significant effect is likely.</p>
<b>Conclusion</b>			

It is concluded that in view of nature, size and location of the proposed development and taking account of the responses of statutory consultees that the proposed development is unlikely to have a significant effect (in the context of the Regulations) on the environment therefore **EIA is not required.**

**EIA Report Required?**

**No**

## Opinion

Based on the information provided and the assessment carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and Circular 1/2017, it is concluded that an EIA **will not** be required for the proposed development.

## Key Outcomes

NatureScot indicates that an EIA is not required; however, NatureScot advises that the applicant must demonstrate consideration of the potential impacts of the proposed development on protected species as part of the planning application.

Engineering Services indicates that an EIA is not required but advises that an independent assessment of the potential effects of the proposed wall and terraced stonework slope on the existing shore would be required to inform and be submitted with the planning application. Engineering Services states that, given the proximity to the A965, it is of critical importance that the proposed development will not accelerate erosion of the shore.

SEPA also indicates that an EIA is not required. The applicant must, however, address the guidance set out in SEPA's consultation response.

Roads Services confirmed that existing roadside drainage mode drain to the area of reclaimed land, or alternatively, full details of a drainage system are required that would collect the surface water drainage from the public road and divert to a new outfall location.

## Notes

Development Management offers a pre-application planning advice service, intended to assist and inform development proposals. If not already progressed, it is recommended that advice is sought prior to submission of any planning application.

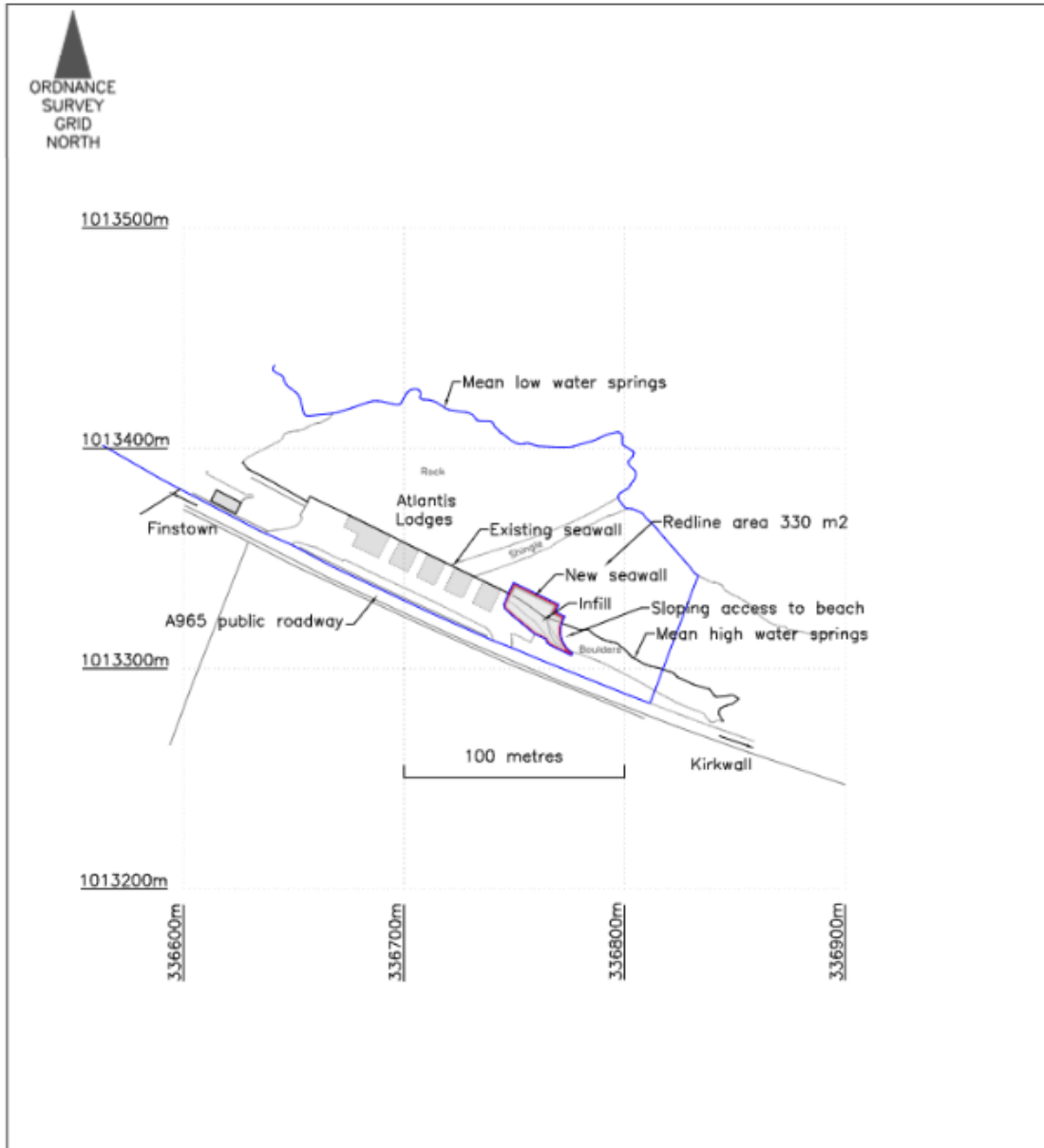
This Screening Opinion does not constitute pre-application planning advice, and any comments or conclusions are made without prejudice to the determination of any subsequent planning application.

This Screening Opinion does not affect any other regulatory requirements for the proposed development, including the requirement for a Proposal of Application Notice should the development be defined as 'major' in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

Policy 3 c) of National Planning Framework 4 requires that, "Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development." NatureScot has produced guidance which describes several of these biodiversity measures, and the considerations that should be taken into account when determining whether they are appropriate for the particular development. Measures to conserve, restore and enhance biodiversity in accordance with the guidance must therefore be provided with the planning application.

# Appendix 1

## Site Location Plan



LOCATION PLAN – SCALE 1 TO 2500

The grid shown on the plans is the Ordnance Survey National Grid, OSGB36, 100m interval.

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Ordnance Survey 0100031673

Rev	Date	Description	By	Chckd	Project	Drawn by	Drawing number	Rev
-	-	-	-	-	Coastal protection/land reclamation works adjacent to Atlantis Lodges.	KC	1105/1	-
<b>SURVEY AND CAD SERVICES</b> KARL COOPER, SPRINGFIELD, HOLM, ORKNEY, KW17 2SD Tel 01856 861418 email rskc@btinternet.com					Client	Atlantis Lodges, Finstown, Orkney		
					Description	LOCATION PLAN		Purpose of issue
					Scales	1:2500		Date
							200223	