

**Felix Cryer
Equinor
Equinor House
Prime Four Business Park
Kingswells
Aberdeen
AB15 8QG**

Date: 13 December 2023

Dear Mr Cryer,

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

Thank you for your screening opinion request dated 18 October 2023 regarding the proposed Habitat Creation, including construction of two sea water inlet pipes and one sea water outlet pipe at Loch Ryan (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(i) 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”), Dumfries and Galloway Council (“DGC”) 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 are predominately on land and include the creation of an inland tidal pool with islands. The Proposed Works below mean high water springs consist of two sea water inlet pipes installed on the northern and southern area of the site with one other outlet pipe installed in the middle section. They will be located between the mid and high tide levels and will contain non-return valves. This will allow water into and out of the inland pool on each tidal cycle, this will avoid stagnation and improve water quality.

Location of the works

NatureScot considered the impact of the Proposed Works on the areas within their remit. It identified that the Proposed Works are not within any designated or protected sites, with the nearest being 2.3 kilometres away (Glen App and Galloway Moors SPA/SSSI). It agreed with the screening report and that the works would not have a significant effect on the local environment.

HES advised that there are no cultural heritage assets that will be directly affected or evidence to indicate that there is potential for unidentified remains within the area of the Proposed Works. It concluded that the Proposed Works will not result in significant impacts to cultural heritage interests.

DGC identified that the Proposed Works are within the Rhins Coast Regional Scenic Area. In terms of cultural heritage, a Category B listed building is located 200 metres from the site boundary and the Proposed Works are within a Non-Inventory Park/Garden area of local heritage interest. However, it concluded that the Proposed Works are unlikely to have significant impacts on the environment and will therefore not require an EIA.

Characteristics of the potential impact

NatureScot in their response advised that it would welcome further engagement on the development of the Construction Environmental Management Plan. This would ensure best practise and construction timings are well planned with regards to breeding birds. It advised that the Proposed Works, if successful, could have a positive effect on the Sandwich Tern and many other species in the area. In addition, the site also has the potential to promote increased public interest and appeal for wildlife observation as it establishes.

SEPA advised that, due to the small scale of the Proposed Works, it has no site-specific comments to make regarding the impact of the Proposed Works.

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 DGC 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,

Gerry Millar
Marine Directorate - Licensing Operations Team