



NatureScot NàdarAlba

Scotland's Nature Agency
Buidheann Nàdair na h-Alba

By email to MD.MarineLicensing@gov.scot

Chris Pollard
Licensing Casework Officer
Licensing and Operations Team
Marine Directorate
Scottish Government
5 Atlantic Quay, Glasgow G2 8LU

Our Ref:CLC177028
Date: 23 September 2024

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the EIA Regulations”)
Consultation Under Part 2, Regulation 10(5) of the Eia Regulations
Re : SCR-0086-Stantec- Slipway Construction- Isle of Pladda – EIA Screening Request**

Dear Mr Pollard,

Thank you for your request of 16 August 2024 for our advice to inform your screening opinion for the above proposal, which sits within the South Arran Marine Protected Area [Nature Conservation] (MPA-NC), and for providing additional time in which to submit our response.

Summary

An EIA is required for Schedule 2 works which are those of a description in Schedule 2 of the relevant regulations, which meet or exceed any threshold or criteria in the schedule *or* are located in a ‘sensitive area’ such as a Special Area of Conservation (SAC), Special Protection Area (SPA), a site of special scientific interest (SSSI), *marine protected area* (MPA) or a National Scenic Area (NSA)¹.

Our view is that we do not consider that the proposal will have a significant effect on the environment for areas within our remit as defined by the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

As such we advise that the project is not capable of affecting, other than insignificantly the protected features of a NCMPA, and we do not recommend it should be screened in for an EIA

Background

The proposal involves improving the access to the island by improving the jetty infrastructure. The works proposed include:

- Excavation of the foreshore for 14m work boat.

¹ <https://www.gov.scot/publications/marine-licensing-and-consenting-environmental-impact-assessment-requirements/>

- New access pontoon and gangway.
- New rubble breakwater with capping access blocks to replace existing breakwater.
- 40m pre cast concrete slipway blocks.

The project also involves the modification of the existing septic tank and outflow.

Appraisal of the impacts of the proposal and advice

In line with the EIA Regulations², the proposed development type is listed as Schedule 2 Works— 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”

We do not believe the works reflect “maintenance” or “reconstruction” of existing infrastructure. The development is therefore likely to meet the criteria of a schedule 2 project.

Our role is to advise whether the proposal is likely to have any significant effects on the environment in order to inform the competent authority’s decision as to whether an EIA is required.

Whilst the proposal is within the MPA, and in our opinion, meets the criteria for a schedule 2 project, for benthic receptors, with the information currently available, our view is that we do not consider that the proposal will have a significant effect on the environment for areas within our remit as defined by the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

As such we advise that the project is not capable of affecting, other than insignificantly the protected features of a NCMPA, and we do not recommend it should be screened in for an EIA.

South Arran Nature Conservation Marine Protected Area (NC MPA)

The proposal lies within the South Arran NC MPA. The protected features of the MPA are: burrowed mud, kelp and seaweed communities on sublittoral sediment, maerl beds, maerl or coarse shell gravel with burrowing sea Cucumbers, ocean quahog, aggregations; seagrass beds and shallow tide swept coarse sands with burrowing bivalves. Further information on this site can be found here³

The site’s status means that the requirements of the Marine (Scotland) Act 2010 apply. Consequently, the Marine Directive are required to consider the effect of the proposal on the NC MPA before it can be consented.

Designated Seal Haul outs

The Sound of Pladda Skerries is a designated Seal Haul out for harbour/common and grey seals. Figures from 2012 show that 14% of the Harbour seals found in the Southwest Scotland seal management area, and 4% of the grey seal population, were to be found in this area⁴.

Marine Directorate lead on designated seal haul outs under The Protection of Seals (Designation of Haul-out Sites) (Scotland) Act 2014. Section 117 of The Marine Scotland Act (2010) (the Act) introduced a new offence of intentional or reckless harassment of seals at haul-out sites. Marine Directorate guidance has been produced on what constitutes harassment at haul out sites Guidance on the Offence of Harassment at Seal Haul-out Sites⁵.

Marine Directorates guidance states that new activities taking place near seal haul-outs, which present no significant disturbance to the seals, or where the disturbance is low level and/or short

² <https://www.legislation.gov.uk/ssi/2017/115/schedule/2/made>

³ <https://sitelink.nature.scot/site/10423>

⁴ <https://www.smru.st-andrews.ac.uk/files/2016/08/SCOS-2012.pdf>

⁵ https://consult.gov.scot/marine-environment/possible-designation-of-a-seal-haul-out-site/user_uploads/guidance-on-the-offence-of-harassment-at-seal-haul-out-sites.pdf-1

term will normally be acceptable. This may require some monitoring of the seals to avoid the risk of potentially causing a significant proportion of seals on a haul-out site to leave that site either more than once or repeatedly or, in the worst cases, to abandon it permanently.

Priority Marine Features

Priority Marine Features (PMFs) do not have legislative protection, but the basis for protection of their national status across Scottish waters is included in the National Marine Plan. As such the Marine Directorate, as regulatory authority, must be provided with sufficient detail to consider the effect of the proposal on the PMF before it can be consented.

Given this we recommend that an assessment of the following PMFs, but not limited to, Kelp and seaweed communities on sublittoral sediment and Maerl beds are carried out.

- Kelp and seaweed communities on sublittoral sediment- Known to be within 300m NW of the jetty development (also a feature of MPA.)
- Maerl beds – within 450m of the jetty development–. It is important to note that contemporary maerl beds have been recorded in depths of 4 - 25 m in the MPA which falls within the bathymetry surrounding the jetty. (also, a feature of MPA.)

In order for the potential impacts on Priority Marine Features and the South Arran NC MPA to be determined, it is recommended that the following information is obtained:

An ecological survey should include an appropriate visual seabed survey of the footprint of the predicted area of impact from the proposed developed. This should detail the extent of any PMFs and the qualification of the composition and quality of any PMFs that will potentially be affected by the proposal e.g. assessment of extent, density and biodiversity.

If the proposal is likely to result in significant resuspension of sediment, depositional modelling should be included in the marine licence application, including any mitigation to avoid adverse impacts to sensitive PMF features e.g. maerl beds.

Existing benthic habitat and species data obtained from the Community of Arran Seabed Trust (COAST)

Marine non-native species and biosecurity

The Scottish Natural Heritage Research Report No. 882 refers to records of non-native species nearby:

*Of concern, particularly around Holy Isle, are the large amounts of the non-native algal species *Dasysiphonia japonica* on both maerl beds and 'Trailliella intricata' (the tetrasporophyte phase of *Bonnemaisonia hamifera*) on the live maerl in Lamlash Bay.⁶*

We recommend a biosecurity plan is developed for the proposed works in the intertidal area. The biosecurity plan should take consideration of the Code of Practice for Non-Native Species for Scotland⁷, currently available Marine biosecurity planning guidance⁸ and available best practice⁹ guidance.

⁶ Mercer, T., Kamphausen, L., Moore, J., Bunker, F., Archer Thompson, J. & Howson, C. 2018. South Arran MPA diver survey of maerl beds, kelp and seaweed communities on sublittoral sediment, and seagrass beds 2014. Scottish Natural Heritage Research Report No. 882

⁷ <https://www.gov.scot/publications/non-native-species-code-practice/>

⁸ <https://marine.gov.scot/sma/content/marine-biosecurity-planning-guidance-producing-site-and-operation-based-plans-preventing>

⁹ <https://www.nature.scot/doc/naturescot-commissioned-report-748-marine-biosecurity-planning-identification-best-practice-review>

Cetaceans & related Priority Marine Features (PMFs)

We advise that the following European Protected Species (EPS) and PMF species are all found within the Firth of Clyde and the impact of the development on them needs to be evaluated: harbour porpoise, bottlenose dolphin, common dolphin, minke whale, harbour seal, grey seal and basking shark. Cetaceans are EPS and as such are strictly protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Under these regulations it is an offence to intentionally or recklessly kill, injure, disturb or harass cetaceans. Any activity likely to cause injury or disturbance requires a licence and strict conditions must be satisfied.

Potential pathways that have been identified in the screening report that could impact on cetaceans, and the wider environment include:-

- dredging activity;
- disposal of dredged material; and
- noise and disturbance arising from construction work.
- disturbance to the water environment through deposition of materials (i.e. changes to coastal processes)

Marine construction projects, particularly those that generate noise and vibration, may affect marine EPS, specifically cetaceans. As this application progresses it should incorporate measures which aim to minimise and mitigate any impacts upon marine EPS.

If there are likely to be impacts upon marine EPS, even after mitigation is applied, then the applicant should also consider whether an EPS licence will be required.

Otters

Otters are also EPS and both they and their breeding or resting places are strictly protected. Otters occur widely around the coastline and we advise that an otter survey, specific to the proposed works, will be required. If otter could be affected by the proposed works the applicant should be requested to submit a robust species protection plan to the relevant planning authority before the works are authorised to proceed. Our guidance can be found here¹⁰.

We would however advise that wider environmental protection measures, such as those detailed in supporting screening information provided by the developer be fully implemented. This should include pre-construction checks for protected species as well as any other measures deemed necessary by Marine Scotland to protect the marine environment.

Concluding comments

In conclusion, given the location, scale and characteristics of the proposed development, we are of the view that an EIA is not required.

Our advice is that the relevant competent authority should ensure that sufficient information is provided via an ecological impact assessment, in line with industry best practice¹¹, to enable potential impacts on Protected Areas, European Protected Species, specifically cetaceans and otters, and Priority Marine Features to be evaluated.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage.

I hope these comments are useful, if you would like to discuss them further you can contact me at ian.cornforth@nature.scot

¹⁰ . <https://www.nature.scot/doc/standing-advice-planning-consultations-otters>

¹¹ <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

Yours sincerely
[by email]

Ian Cornforth
Operations Officer-West Central Scotland



By email: MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131 668 8716
HMConsultations@hes.scot

Our case ID: 300075046
Your ref: SCR-0086
30 August 2024

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Stantec - Slipway Construction - Isle of Pladda
Request for Screening Opinion

Thank you for consulting us on this Environmental Impact Assessment (EIA) screening request, which we received on 16 August 2024. This letter contains comments for our historic environment interests, covering World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas.

The relevant local authority archaeological and conservation advisors will also be able to offer advice on historic environment impacts. This may include topics covered by [our advice-giving role](#), and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Our advice

We note that the provided EIA screening opinion request considers potential effects on both marine and terrestrial assets.

We are content that there are no terrestrial assets within our remit that would experience direct physical impacts or significant impacts to their settings.

We note the presence of a number of maritime records in the vicinity, primarily shipwrecks along the northern and southwestern coastlines of the island. However, we are content that the proposed works are at a sufficient distance that significant impacts to these assets are unlikely.

Therefore, we have not identified any potentially significant effects on the historic environment within our remit and therefore have no reason to consider the proposals to be EIA development for our interests. North Ayrshire Council's archaeology and conservation advisors will be able to advise you for their interests as set out above.



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We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, hmconsultations@hes.scot. If you have questions about this response, please contact Cailee Mellen at cailee.mellen@hes.scot.

Yours sincerely.

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

EIA Screening Opinion

REFERENCE:

24/00530/EIA

NAME AND EMAIL ADDRESS OF ENQUIRER:

Stantec,c/o Mark Johnston Mark.johnston2@stantec.com

SITE ADDRESS or LOCATION:

Pladda Rock, Pladda Isle, Brodick, Isle Of Arran, North Ayrshire KA27 8SN

PROPOSAL:

Sustainable holiday home

EIA REQUIRED:

NO

The written statement of reasons and measures envisaged to avoid or prevent significant adverse effects on the environment is provided overleaf.

WRITTEN STATEMENT

1. With reference to the criteria set out in schedule 3 as are relevant to the development, the following statement provides the main reasons for the planning authority's conclusion as to whether the development is, or is not, EIA development.
2. In cases where the opinion of the planning authority is that the proposed development is not EIA development, any features of the proposed development or proposed measures envisaged to avoid or prevent significant adverse effects on the environment are set out below.

The proposal is for the refurbishment and extension of existing structures to form a sustainable holiday home on the uninhabited island of Pladda, approximately 1km off the south coast of Arran, which has an area of approximately 11.3 hectares.

The proposal is not identified in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, nor does it easily fall within any of the specific categories of development listed in Schedule 2 of the Regulations.

The proposal is described as a sustainable holiday home but initial discussions with the proposed developer had indicated potential to develop several further holiday units in a phased manner. It details elements of wind turbine provision and maritime works comprised in jetty improvements.

Elements of the proposals therefore fall within: Section 3(j) Installations for the harnessing of wind power for energy production; Section 10(m) marine works capable of altering the coast; and Section 12 (c) Holiday Villages and Hotel Complexes Outside Urban Areas where the development area exceeds 0.5 hectare. The proposal is therefore assessed in terms of Schedule 3 to determine whether EIA is required.

Characteristics of development

The development would comprise: (i) improvement of an existing jetty to improve access to the island including excavation of the foreshore, a new pontoon, gangway and slipway and a new rubble breakwater; (ii) a new outbuilding at the jetty to house equipment and battery storage; (iii) refurbishment of existing buildings; (iv) installation of solar panels and a 15m wind turbine; and (v) a replacement septic tank and outfall. Most of the above would involve improvement or replacement of existing structures with no significant new land development. The proposal indicates one wind turbine only of limited height (15m) with details unspecified. The impacts of all of the above could be assessed in a planning application.

Location of development

The proposed development would cover both the intertidal zone with some development below Mean Low Water Springs and some development of the adjacent foreshore and the existing buildings further uphill. Pladda Island sits within the South Arran Marine Protected Area and is adjacent to the Sound of Pladda Skerries Designated Seal Haul Out Site.

Characteristics of the potential impact

The on-shore aspects of the proposals would largely involve improvement of existing buildings and potential erection of a wind turbine. It is noted that the marine aspects of

the proposals would also require a Marine licence and would be controlled through that framework.

The advice of NatureScot, the statutory body for protection of landscape and habitats environments, has been sought in the consideration of potential impacts of the proposals and has been invaluable in identifying a list of surveys and information in relation to various aspects of the proposals which would require to be submitted with a future planning application to ensure that the potential environmental impacts of the development are fully considered.

In light of the above, it is not considered that full Environmental Impact Assessment is not required.

Whilst the anticipated impacts of the proposed development would not require formal EIA under the Planning Regulations, that is not to suggest that the project would not have environmental effects. Planning permission would be required for the development and any planning application should therefore be accompanied by a range of supporting information sufficient to inform the decision making process.

Any planning application should be accompanied by information to enable potential impacts on natural heritage receptors to be evaluated, which should be provided in the form of a targeted Ecological impact Assessment (EclA) report.

Supporting information should include at least the following:

- Landscape and Visual Impact Assessment including agreed viewpoints analysis;
- Archaeological Assessment;
- Biosecurity Plan;
- Botanical Survey;
- Visual seabed survey;
- Seal activity monitoring report;
- Otter Survey;
- Bat Survey;
- Breeding Bird Survey; and
- Hydrology assessment.

Please note that the above screening opinion does not constitute pre-application advice, which should be sought separately.

From: [Planning South](#)
To: [MD Marine Licensing](#)
Subject: 20002708 SEPA response RE: SCR-0086-Stantec- Slipway Construction- Isle of Pladda – Screening Request – Response Required by 06 September 2024
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Dear Mr Pollard

I can confirm that SEPA does not consider this to be an EIA project, having considered the issues which fall within SEPA's remit. If you have any queries relating to this response, please contact us by email, via: planning.south@sepa.org.uk

Kind regards

Peter Minting | Planning Officer
Scottish Environment Protection Agency



Angus Smith Building | 6 Parklands Avenue | Eurocentral | Holytown |
North Lanarkshire | ML1 4WQ



SEPA logo



From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>

Sent: 16 August 2024 16:06

Subject: SCR-0086-Stantec- Slipway Construction- Isle of Pladda – Screening Request – Response Required by 06 September 2024

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

SCR-0086-Stantec- Slipway Construction- Isle of Pladda

Stantec 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 at the following link : [Screening- Slipway Construction- Isle of Pladda- SCR-086 | marine.gov.scot](#) 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 06 September 2024 (3 weeks from the date of this email) to MD.MarineLicensing@gov.scot

Kind regards,

Chris Pollard

Licensing Casework Officer

Marine Directorate – Licensing Operations Team

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M: [Redacted]

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The Scottish Government



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