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Attn : Mark Johnston

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Date : 4 October 2024

Dear Mark,

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

Thank you for your screening opinion request dated 21 June 2024 and supporting correspondence dated 14 August 2024 regarding the proposed jetty redevelopment works at the Isle of Pladda, Firth of Clyde, North Ayrshire (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

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

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

The Proposed Works on the east side of the Isle of Pladda are being undertaken for the purpose of improving access to the island as a sustainable tourism destination. The Proposed Works will involve the refurbishment and extension of an existing jetty, which will include the construction of a new rubble breakwater with a length of 90 metres (“m”), a volume of 6,100 cubic metres (“m³”), and a tonnage of 7,760 tonnes (“t”); a new pontoon with a length of approximately 16m, together with an associated gangway; and a new 40m long by 6m wide slipway utilising 60 precast blocks. The Proposed Works will involve excavation of the foreshore of approximately 1,500 square metres (“m²”). A replacement septic tank outfall is also planned on the south side of the Isle of Pladda in way of the existing outfall.

Location of the works

The Proposed Works are located within the South Arran Nature Conservation Marine Protected Area (“South Arran NC MPA”) which also hosts several Priority Marine Features (“PMF”). As such, you should be aware of the PMFs located in proximity to the Proposed Works and we would direct you to NatureScot’s advice dated 23 September 2024 in this regard for further detail on the recommended supporting information that the Scottish Ministers would expect to accompany any marine licence application(s). Such information would also inform a Marine Protected Area (“MPA”) assessment given the location of the Proposed Works, which would also form part of the marine licensing process.

In addition, the Proposed Works are located adjacent to the Sound of Pladda Skerries Designated Seal Haul Out Site, which is designated for harbour/common and grey seals. In this respect, the Scottish Ministers recommend that you submit any proposed monitoring and/ or mitigation plans with your marine licence application(s) in line with NatureScot advice.

Given the potential existence of non-native species in proximity to certain components of the Proposed Works occurring within the intertidal area, NatureScot has further recommended that a biosecurity plan taking account of the Code Of Practice for Non-Native Species for Scotland be developed. The Scottish Ministers would expect the biosecurity plan to be submitted in support of any marine licence application.

NatureScot further advised that a European Protected Species (“EPS”) licence may be required in relation to cetaceans which may be potentially impacted by the Proposed Works given their location. The Scottish Ministers are content that any impacts on EPS can be managed through the EPS and marine licensing processes. In addition, NatureScot advised that an otter survey of the Proposed Works area be undertaken to determine whether a species protection plan needs to be submitted to the planning authority ahead of works commencing. The Scottish Ministers are in agreement with this recommendation and would direct you to NatureScot’s standing advice for planning consultations on otters (August, 2024) in this regard.

In its response, NatureScot concluded that the Proposed Works will not have a significant impact on the environment, and therefore consider it not to be an EIA project for areas within its remit.

Characteristics of the potential impact

In its response, North Ayrshire Council provided its own screening opinion in respect of the onshore components of the Proposed Works where it concluded that based on its assessment, an EIA is not required for the Proposed Works.

HES advised that the Proposed Works are unlikely to have an impact on its historic environment interests of a level that would require consideration through the EIA process.

SEPA also confirmed that it does not consider an EIA is required for the Proposed Works in respect of its interests.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to North Ayrshire 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 Directorate - Licensing Operations Team

