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**Craignish Design
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Argyll
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Date: 20 October 2022

Dear ,

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

Thank you for your screening opinion request dated 12 August 2022 in regards to the proposed construction works, including reclamation of land from the sea at Loch Leven at Invercoe (“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”), Highland 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 involve reclamation of land from the sea, and extension of the existing seawall at Invercoe Holiday Park to create an additional 995 m² of land at a height equivalent to the existing sea wall. The reclaimed land will be used to create extra touring pitches within the holiday park.

The Proposed Works will include provision of temporary access to the beach to facilitate the construction of a new rock toe. Gravel will be excavated from the location of the new rock toe and retained for reuse in infill of the reclaimed land area. The new rock toe will form a base upon which new rock armour will be installed using imported rock and excavated material to protect the foreshore. Natural rip rap and clean aggregate will be imported to the site, with the aggregate forming the core of the reclamation area. The rip rap will be 81m in length.

Imported rock, excavated beach material and clean crushed aggregate will be used to backfill the reclaimed area, placed onto a geo membrane laid below the infill. A new low wave wall, which will be a continuation of the existing sea wall, will be constructed at the edge of the reclaimed area to protect from wave damage if the rip rap is over-topped in storm conditions.

The Proposed Works will take place on the loch shore, and outwith the river itself. All infill below Mean High Water Springs will be carried out 'dry' between tides, and rip rap will be placed as protection to the wave action in advance of the mass infill, and rock toe protection will be placed in advance of the rip rap to prevent scouring.

The work will be undertaken in suitable weather, avoiding periods of strong on-shore winds and spate conditions minimising the environmental impact of the works, and completed over six months. It is currently estimated that the Proposed Works will take place between November and April.

Location of the works

Invercoe Holiday Park is located on the shores of Loch Leven, within the Ben Nevis and Glen Coe National Scenic Area ("NSA") with the Proposed Works taking place on the west of the park by the mouth of the River Coe. There are no other designated sensitive sites (as defined in the 2017 MW Regulations) within the immediate vicinity of the Proposed Works. The Proposed Works are not anticipated to significantly impact the Ben Nevis and Glen Coe National Scenic Area NSA. NatureScot advised that the proposal will not have a significant effect on the environment, and it does not consider that an EIA is required.

The Scottish Ministers note that planning permission for the associated terrestrial works has been granted by the Highland Council and as part of which, the visual impact of the works were considered not to be significant. Further, in response to the Proposed Works, the Highland Council advised that it does not consider them to be an EIA Project.

Atlantic salmon migrate through the River Coe, however the river is greater than 100 m wide at its mouth where the Proposed Works are located. In addition, the proposed construction methods will minimise any impacts. The Proposed Works will be scheduled to avoid the salmon smolt migration in the spring if required.

No cultural heritage assets were identified near the Proposed Works. HES advised that it does not consider the proposal likely to have any significant adverse impacts on heritage assets.

Characteristics of the potential impact

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<http://www.gov.scot/Topics/marine/Licensing/marine>



The Scottish Ministers note that the ecological survey carried out shows that no high value benthic habitats or species are present within the proposed land reclamation area. There is a risk of pollution and silts/fine material entering the sea as a result of the Proposed Works. However, potential impacts can be effectively addressed and mitigated through the marine licence application process and through development of a Construction Method Statement which will include standard best practice working methods .

SEPA has advised that in relation to the aspects of the marine environment, it does not consider that an EIA is required for 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 Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Highland 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

Marine Scotland - Licensing Operations Team

Appendix I. Summary of consultee responses

SEPA:

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

Thank you for consulting SEPA on the above proposal. We can confirm that in relation to the aspects of the marine environment on which we usually provide advice to you we consider that EIA is not required. If you have not done so already we recommend you consult the local fisheries board on the proposal. For your background information we have already provided advice on flood risk to the planning authority on the related planning application.

Please see and direct the developer to our standing advice - [lups-gu13.pdf](#) (sepa.org.uk) – for further general advice and guidance on the works in the marine environment.

HISTORIC ENVIRONMENT SCOTLAND:

Our case ID: 300060404 05 September 2022

Dear Marine Scotland The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Invercoe Holiday Park (per Craignish Designs) - Land Reclamation, Invercoe, Argyll Request for Screening Opinion Thank you for your consultation which we received on 22 August 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, 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 do not consider that the proposal is likely to have any significant adverse impacts on heritage assets within our remit. We hope this is helpful. Please contact us if you have any questions about this response.

NATURESCOT:

Thank you for consulting us regarding the proposed land reclamation at Invercoe. It is our opinion that for our interests, the proposal will not have a significant effect on the environment and therefore we do not consider that this is an EIA project.

HIGHLAND COUNCIL:

Thank you for the consultation on the above Screening opinion. I can confirm that The Highland Council, as Planning Authority, do not consider this development to be EIA development.

I note you have already received copies of our planning Report of Handling for a planning application relating to this project, ref 20/03483/FUL in which we determined this was not EIA development with respect to the land based elements of the proposal – the planning decision notice may also be viewed here, in the Documents tab:

<https://wam.highland.gov.uk/wam/simpleSearchResults.do?action=firstPage>

END OF SCREENING RESPONSES