

To Whom it may concern,

I am writing to Marine Directorate to seek advice on any Marine Licence requirements for the proposed development described below. Aquatera are acting as environmental consultants on behalf of the St Margaret's Hope Pier Trustees (SMHPT) in this regard.

Background

St Margaret's Hope is a small Trust Port located within Scapa Flow in the Orkney Islands, just off the northern coast of Scotland. (58°49.9'N, 002°57.7'W) and serves the local shellfish industry, the aquaculture industry, marine tourism and provides a privately operated vital passenger/Ro-Ro ferry link to mainland Scotland.

In 2017/2018 the Trustee's invested in the purchase and installation of a floating steel barge with principal dimensions of 50 metres length and 18 metres beam, to provide an extension to the stone built permanent pier (MS-00009206). This was carried out in response to the requirements of the ferry operator Pentland Ferries who purchased a new Ro-Ro ferry to replace the existing ferry with much greater capacity to carry vehicles (including articulated lorries) and to respond to demands and requests for increased berthing space from the fishing and aquaculture industry. Additionally, the barge provided more shelter to the existing stone pier face from winds in a certain direction. The temporary steel barge has a limited lifespan, and the Trustees are now seeking in a position to replace the existing steel barge with a permanent solution. This existing structure is currently licensed under MS-00010759.

Please note that a marine licence (MS-00009939) was previously awarded in November 2023 for a similar scheme. This screening request concerns a new proposed development, but one which is similar in many aspects to that licenced in MS-00009939.

Pier Extension

The principal use for the new pier is for the inshore fishery and aquaculture support. Although the temporary extension was placed to support the larger ferry, a significant benefit has been to these two stakeholders by way of additional berthing space and available working apron. The planned permanent extension will enhance this further still, offering substantially more berthing space, working area, access to utilities and providing vehicular access. will improve the facility offered. The ferry service will continue to berth against the existing pier and solid pier extension improving berthing safety. The maximum size of vessels using the pier will be up to 100m LOA. There are four key components to the proposed development which are described below and illustrated in the attached file '*St Margaret's Hope Plans, Sections and Elevations.*'

Work No. 1 – A solid pier faced with sheet piling attached to the existing pier and extending 20 metres in length and 12 metres in width following the same berthing line as the existing pier. The Work will have a surface area of 240 square metres and will be capped with a solid concrete

surface. On the seaward facing sides the surface will contain ducting to provide necessary utilities and lighting for port operations. This Work will form a pier extension to the existing Ro-Ro berth to enable larger capacity ferries to berth on the south side of the pier and provide additional berths for workboats on the north side of the pier, the location of which is shown on sheet 5, and sections of which are shown on sheet 6 of the attached set of figures.

Work No. 2 - A solid pier faced with sheet piling attached to Work No. 1 and extending 20 metres in length and 20 metres in width following the line of the end of Work No. 1. The Work will have a surface area of 400 square metres and will be capped with a solid concrete surface. On the seaward facing sides the surface will contain ducting to provide necessary utilities and lighting for port operations. This Work will form an extension running at right angles to the line of the existing pier and provide additional berthing space and lay down area for workboats and fishing boats, the location of which is shown on sheet 5, and sections of which are shown on sheet 7 of the attached set of figures.

Work No. 3 - A solid pier faced with sheet piling attached to Work No. 2 and extending 88 metres in length and 20 metres in width following the berthing line formed by the east end of Work No. 1 and Work No. 2. The Work will have a surface area of 1,760 square metres and will be capped with a solid concrete surface. On the seaward facing sides the surface will contain ducting to provide necessary utilities and lighting for port operations. This Work will form a further extension running at right angles to the line of the existing pier and provide additional berthing space for large vessels, workboats, and fishing boats and lay down area for equipment and cargo, the location of which is shown on sheet 5, and sections of which are shown on sheets 8 and 9 of the attached set of figures .

Work No. 4 - The construction of a floating barrier for the purpose of providing protection from waves impacting on the berth face on the north side of the existing pier. The barrier will consist of floating pontoons or a similar structure, fixed in position by driven steel tubular piles or moorings and anchors. The Work will be approximately up to 153 metres in length with a width of approximately 13 metres. The Work will have a surface area of approximately 1,989 square metres and will contain solar, or wave induced power systems for the provision of navigation lighting and operation of the barriers functions. The location of which is shown on sheets 2 and 4 of the attached set of figures.

Construction Methodology

A summary of the proposed construction methodology is as follows:

- Unmooring and removal of temporary barge extension
- Lifting of clump weights and moorings associated with temporary barge extension
- The barge and moorings will be resold or reused on completion of the first phase of the pier extension
- Sheet piling will be installed with tie backs to the original pier.
- The sheet piling will be backfilled with locally sourced hard core and a concrete deck will be installed

The construction of the pier extension (Works No1, No2 and No3) will take place by building out from the end of the existing pier and subsequent new pier extensions, initially in conjunction with utilisation of the current temporary barge. Piling will be required of the interlocking sheet piles.

The construction of the floating barrier will take place as follows:

- Install moorings consisting of mooring chain and anchors, or install tubular steel piles
- Attach pre constructed pontoons or similar structures to the moorings

All marine operations will be carried out using a multi-cat type workboat or barge using experienced marine contractors.

Programme

The construction programme will be in three phases. The first phase is expected to include Work No. 1 and Work No.4 which is expected to take approximately 4 months. This will then be followed by Work No. 2 and Work No. 3 which are anticipated to take approximately 4 and 6 months respectively.

Previous application and environmental sensitivity

As mentioned already, a marine licence (MS-00009939) was previously awarded in November 2023 for a similar scheme. The main difference between this revised scheme is the addition of the wave attenuation area (Works No. 4).

A Habitats Regulations Appraisal (HRA) was submitted in support of this previous application to determine whether the proposal had the potential to affect any European sites (i.e., Special Protection Areas (SPAs) or Special Areas of Conservation (SACs)) within the UK-wide network of protected sites (UK site network). A Screening response was received from Marine Scotland in March 2022 which indicated that an EIA was not required. The consultation feedback received from stakeholders, primarily NatureScot during the pre-application process was used to inform the scope of this assessment. No SACs were identified that could potentially be affected by the Project therefore the assessment considered the effects of the Project on SPAs only.

The HRA (attached for convenience) confirmed that the project is not directly connected with or necessary to site management for the conservation of any SPAs or pSPAs.

The HRA confirmed that *'The Project area is within foraging range of several species of birds that are qualifying features of SPAs designated to protect breeding seabird populations in the wider area. During the breeding season, many seabird species regularly fly considerable distances on foraging trips from nest sites; therefore, SPAs at considerable distances from the Project could have potential connectivity for particular qualifying features. However, given the Project is to remove and replace an existing temporary pier structure within a busy working pier area, the Project will not affect any seabird foraging areas and it is not anticipated to result in any likely significant effects to foraging seabirds therefore all other SPAs have been scoped out of the assessment.'*

The following potential impacts associated with the Project have been considered in the HRA:

Construction phase

- Potential disturbance (noise and visual) of sensitive bird species due to in-water construction activities.
- Potential disturbance of sensitive bird species through vessel movements required for the removal of the existing temporary barge and installation of the new pontoons.

Operation and maintenance phase

- No impacts during the operation and maintenance phase have been identified that could affect ornithological receptors.

Decommissioning phase

- Impacts during the decommissioning phase are likely to be similar to or less than those during the construction phase.

In relation to potential disturbance (noise and visual) of sensitive bird species due to in-water construction activities the HRA concluded the following:

Disturbance from in-water construction activities would be temporary, of short duration and transient with no lasting effects anticipated. Relatively low numbers of birds were found to occur within the vicinity of the Project site and wider St Margaret's Hope Bay area. The in-water construction activities are not anticipated to result in levels of disturbance that would affect any of the qualifying species' distribution and use of the site, such that their ability to survive and/or breed is compromised in the long-term. The Scapa Flow SPA draft conservation objectives

relevant to disturbance are:

1. 'To ensure that the qualifying features of the Scapa Flow SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status', and
2. 'To ensure that the integrity of the Scapa Flow SPA is maintained in the context of environmental changes by meeting objective 2b: 'The distribution of the qualifying features is maintained throughout the site by avoiding significant disturbance of the species.'

The Project is not anticipated to result in disturbance effects that would undermine either of these conservation objectives. It can therefore be concluded that there will be no adverse effects on site integrity for Scapa Flow SPA.

In relation to potential disturbance of sensitive bird species through vessel movements required for the removal of the existing temporary barge and installation of the new pontoons the HRA concluded the following:

Disturbance from vessel traffic movements during the construction activities would be temporary, of short duration and transient with no lasting effects anticipated. The timing of the in-water construction works is scheduled to occur between March and May 2023 therefore potentially coinciding with the late winter season period for the wintering species and the early breeding season period for red-throated divers. The level of vessel traffic is not anticipated to result in levels of disturbance that would affect any of the qualifying species' distribution and use of the site, such that their ability to survive and/or breed is compromised in the long-term. The Scapa Flow SPA draft conservation objectives relevant to vessel disturbance are:

1. 'To ensure that the qualifying features of the Scapa Flow SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status', and
2. 'To ensure that the integrity of the Scapa Flow SPA is maintained in the context of environmental changes by meeting objective 2b: 'The distribution of the qualifying features is maintained throughout the site by avoiding significant disturbance of the species.'

The relatively low level of vessel traffic required for the Project is not anticipated to result in disturbance effects that would undermine either of these conservation objectives. It can therefore be concluded that there will be no adverse effects on site integrity for Scapa Flow SPA.

No adverse effects on site integrity as a result of cumulative and in-combination effects for Scapa Flow SPA were also concluded by the HRA.

In conclusion, we believe that due to the similarity in nature, scope and proposed construction methodology of the proposed works of this new proposal compared to that which was licensed in 2023, that the same conclusions are likely in terms of HRA and the potential to affect any European sites (i.e., Special Protection Areas (SPAs) or Special Areas of Conservation (SACs)) within the UK-wide network of protected sites (UK site network).

This same rationale applies to the requirement for EIA which was screened out in 2022 (also attached email for convenience). Any issues raised by consultee's were resolved through direct consultation for the previous application and this can be achieved for this new application also.

Project Team

Orcades Marine Management Ltd (OMMC) are currently acting as Project Managers for the St Margaret's Hope Pier Trustees (SMHPT). OMMC has a wide skill base which includes acting as Principal Designer under the CDM regulations. OMMC has a thorough understanding of SMHPT, having acted as their Designated Person and advisor for the Trust since 2018. OMMC are based in Orkney and have a broad awareness of the local backdrop and good relationships with preferred design partners and other stakeholders. With access to a wide range of expert consultants with international experience Orcades are well placed to ensure that all objectives are met on time and the project completed to a high standard.

The Project Team would be more than happy have a follow up call if Marine Directorate felt it would be of benefit and please do not hesitate to get in touch should you have any further queries on the proposed development.

Kind regard,

Shane Quill
