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[Redacted]

Pentland Ferries
Pier Road
St Margaret's Hope
Orkney
KW17 2SW

Date: 18 March 2019

Dear [Redacted]

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")

Thank you for your screening request for the proposed extension to the marshalling area at St Margaret's Hope Pier, Orkney, received on 14 February 2019.

A previous screening opinion was issued on 05 June 2018 stating that the proposed works are an EIA project under the EIA Regulations and therefore an EIA is required to be carried out in respect to the proposed works, specifically the use of 7,000 baled tyres. The current screening request is due to a change in methods, mainly the use of quarried stone and boulders as infill instead of baled tyres.

In considering your screening request, the Scottish Ministers have consulted with Scottish Natural Heritage ("SNH"), Scottish Environment Protection Agency ("SEPA"), Historic Environment Scotland ("HES") and Orkney Islands Council ("OIC") as to their view on whether the proposed works are an Environmental Impact Assessment ("EIA") project. Copies of the consultation responses are enclosed for your review.

The proposed works involve the reclamation of land from the sea to extend an existing ferry marshalling area, therefore the Scottish Ministers consider the works to fall under paragraphs 1(e) of the EIA Regulations. The threshold from reclamation of land from the sea, as described in column 2 of schedule 2 of the EIA Regulations, is "all works" thus the proposed works exceed this threshold.

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the EIA Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

1. Characteristics of the works

In regards to the size of the proposed marshalling extension, the Scottish Ministers are content that the works are relatively limited in their extent (2873m²). The original design proposed the use of 7,000 baled tyres as infill, which, as per SEPA advice, were not considered an inert waste. In their response to the original screening request, SEPA raised concerns regarding the potential long-term impacts on the local environment and advised an EIA was required. The proposal has now been updated to use quarried stone and boulders as the main infill in place of the previously proposed tyres. Based on this information and the updated proposals excluding the use of baled tyres as infill SEPA have provided



an updated response advising that the proposed development will be unlikely to have a significant effect on the environment and therefore an EIA is not required.

The works are unlikely to result in increased underwater noise, as no pile driving or dredging is proposed to take place. SNH confirmed that their previous response still stands which advised that they consider that the scale and nature of the proposed works is such that risk of significant impacts on natural heritage interests is minimal and can readily be avoided. OIC also deferred to their previous response which provided general comments in regards to potential impacts on marine mammals, protected species, coastal processes, historic assets, habitats and species of conservation importance, and residential amenity. However the specialist advice received from SNH and SEPA effectively supersedes OIC's general advice in regards to likely significant effects on the marine environment.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristic of the works are unlikely to have significant effects on the environment.

2. Location of the works

The proposed works are located within the Scapa Flow proposed Special Protection Area ("SPA"). However, in SNHs response to the original screening request, they confirmed that the location of the proposed works is such that risk of significant impacts on the designated features is minimal and can be readily avoided. HES and OIC have advised that the proposed works are unlikely to significantly impact historic environment interests.

Based on the information provided and advice received, the Scottish Ministers do not have any significant concerns regarding the environmental sensitivity of the geographical areas likely to be affected by the proposed works.

3. Characteristics of the potential impact

In view of the findings in sections 1 and 2 above, the Scottish Ministers are content that the proposed land reclamation works are unlikely to significantly affect the environment and that any potential impacts can be effectively addressed and mitigated by the marine licence application and determination process.

The Scottish Ministers are therefore of the opinion that the proposed works are not an EIA project under the EIA Regulations and 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 OIC planning department and SEPA for their information. The screening opinion has also been made publicly available through Marine Scotland Information at <http://marine.gov.scot/ml/06882-extension-marshalling-area-st-margarets-hope-orkney>

Thank you for consulting with us on this matter. If you require any further assistance or advice on marine licensing matters, please do not hesitate to contact me.

Yours sincerely
[Redacted]

Licensing Operations Team
Marine Scotland



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ENVIRONMENT
SCOTLAND

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ALBA

By email to:
MS.MarineLicensing@gov.scot

Marine Scotland
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: 300027253

26 February 2019

Dear Sir/Madam

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(As Amended\)](#)
[St Margaret's Hope, Orkney - Extension to Marshalling Area](#)
[Request for Screening Opinion](#)

Thank you for your consultation which we received on 15 February 2019 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, 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 Advice

As you will be aware, there is no requirement to consult the consultation bodies at the screening stage of the EIA process. This is illustrated in table 1 of the Scottish Government's Planning Advice Note (PAN) 1/2013 (as amended). The PAN notes that planning authorities may consult the consultation bodies in exceptional circumstances for specialist advice and that such requests should be targeted and specific.

We have reviewed the materials submitted as part of this EIA screening consultation and can confirm that there are no marine or terrestrial heritage assets within our remit in the vicinity of the proposed development. We have therefore been unable to identify any potentially significant impacts for our interests. Please contact us with more detail if there is any more specific information we can provide which may be helpful to in coming to a screening opinion.



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Please contact us if you have any questions about this response. The officer managing this case is [Redacted] and they can be contacted by phone on [Redacted] or by email on [Redacted]

Yours faithfully

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

19 February 2019

[Redacted]

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: ms.marinelicensing@gov.scot

Dear [Redacted]

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 Extension to marshalling area - St Margaret's Hope, Orkney - Consultation on Request for Screening Opinion

Thank you for consulting SEPA on the screening opinion for the above development proposal by way of your email of 15 February 2019.

We previously advised “With respect to interests relevant to our remit we consider, due to the local and national waste management implications and potential environmental effect from the storage and use of baled tyres, EIA is required.” We note from the supporting information that quarried stone and boulders will now be used as the main infill material in place of the previously proposed tyres.

Based on the information submitted to us we consider that, with respect to interests relevant to our remit, the proposed development will therefore be **unlikely to have a significant effect** (in the context of the Regulations) on the environment and therefore Environmental Impact Assessment (EIA) is **not required**. This is on the assumption that modest or plainly and easily achievable environmental mitigation measures will be put in place during the construction works.

Please refer to our standing advice on marine consultations, within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#), for links to best practice guidance for the construction phase of the works.

Regulatory advice for the applicant

As advised previously authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) for any discharges to land or the water environment from private foul drainage systems. The applicant should continue to liaise with the local operations team, contact details below, on this aspect of the proposals.

Details of regulatory requirements and good practice advice for the applicant can also be found on the [Regulations section](#) of our website. If the applicant is unable to find the advice they need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Norlantic House, Scotts Road, Hatston, Kirkwall, Orkney, KW15 1GR - Tel: 01856 871080

If you have any queries relating to this letter, please contact me by telephone on [Redacted] or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

[Redacted]
Senior Planning Officer
Planning Service

Ecopy to: [Redacted], Breck Environmental Consultancy, [Redacted]

[Redacted]

From: [Redacted]
Sent: 26 February 2019 15:18
To: [Redacted]
Subject: RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area - St Margaret's Hope, Orkney - Consultation on Request for Screening Opinion - Response Required by 08 March 2019
Attachments: RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area - St Margaret's Hope, Orkney - Consultation on Request for Screening Opinion - Response Required by 12 April 2018

Dear [Redacted]

Thank you for consulting us on the extension to the marshalling area at St Margaret's Hope Pier, Orkney.

We would refer to our previous response regarding this site (attached), and remind the applicant to note and adhere to the recommendations made in the otter report (pages 15-16) of measures that should be taken on site to ensure full safeguard of otter.

If you require any further advice, please do not hesitate to get in touch.

Kind regards,

[Redacted]

[Redacted] | **Operations Officer**
Scottish Natural Heritage | Eastbank | East Road | Kirkwall | Orkney | KW15 1LX
t: [Redacted]
[nature.scot](#) – *Connecting People and Nature in Scotland* – [@nature_scot](#)

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]
Sent: 25 February 2019 19:04
To: [Redacted]
Subject: RE: Pentland Ferries (Per Breck Environmental Consultancy) - Extension to marshalling area - St Margaret's Hope, Orkney - Consultation on Request for Screening Opinion - Response Required by 08 March 2019
Attachments: 06882.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Classification: OFFICIAL

Afternoon [Re

For context, this currently proposed extension to the marshalling area is the second proposed extension in recent years.

The planning authority was consulted on:

05972 - Extension of Marshalling Area - St Margaret's Hope, Orkney

That application for a marine construction project was received by Marine Scotland in December 2015, and the planning authority provided a consultation response in July 2016. The marine licence was approved and some works at the site have been in place for approximately one year.

Subsequently the planning authority was consulted on:

06882 - Extension to Marshalling Area – St Margaret's Hope, Orkney

That is for a further extension to the above. A screening opinion was of course adopted under the provisions of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended), confirming that EIA is required for that currently proposed project.

As per your correspondence, it is proposed to amend the design and method of construction of **06882**, and it has been requested that a fresh screening opinion be adopted.

With regards the character and appearance and significance of potential environmental impacts of the proposed works, relative to those for which an opinion has already been provided, the opinion of Orkney Islands Council is not changed. Therefore, the Council can offer the view that the amended proposed works are not an EIA project.

[Redacted]

Regards

[Redacted]

Planning Manager - Development Management

Planning, Development & Regulatory Services

Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: [Redacted]