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Dear Lara

PROPOSED DEVELOPMENT AT GOUROCK HARBOUR – HARBOUR REVISION ORDER – ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING AND SCOPING REQUEST

1. Thank you for your email of 23 May indicating that a harbour revision order (HRO) may be sought under the Harbours Act 1964 (the 1964 Act) on behalf of Caledonian Maritime Assets Limited (CMAL) regarding the planned redevelopment of Gourock Ferry Terminal, located in Gourock Harbour.

Harbours Act 1964

2. As you will be aware, where Scottish Ministers are notified of a proposed HRO which authorises a project they are required in terms of paragraph 4 of Part 1 of Schedule 3 to the 1964 Act to decide:

- Whether that application relates to a project which is of a type specified in Annex I or Annex II to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended (“the EIA Directive”); and
- If it relates to a project which is of a type specified in Annex II, whether taking into account the selection criteria, the project is a relevant project.

3. Ministers are also required to decide whether the project is likely to have a significant effect on a European site and if so whether an appropriate assessment is required in terms of regulation 48 of the Conservation (Natural Habitats & Etc) Regulation 1994.

4. Scottish Ministers have considered the characteristics of the project (as described and shown in the Screening Report) and have concluded that:

- The application relates to a project which is not of a type specified in Annex I;
- The application relates to a project which is of a type specified in paragraph 10(e) of Annex II to the EIA Directive, as the application relates to the construction of a port installation; and
- Having regard to the selection criteria, it is a relevant project in terms of Schedule 3 to the 1964 Act.

5. Accordingly, an Environmental Impact Assessment is not required in terms of the 1964 Act.

Scoping

6. CMAL has requested a pre-application scoping opinion under paragraph 3 of Schedule 3 of the Harbours Act 1964. This letter comprises the requested scoping opinion. This scoping opinion is provided on behalf of Scottish Ministers.

7. Scottish Ministers have consulted with the relevant environmental bodies about the extent of the information CMAL should supply. CMAL is asked to take into account the views provided by NatureScot, the Scottish Environment Protection Agency (SEPA) and Inverclyde Council outlined in the **Annex A** to this letter.

Conclusion

8. We trust that you will be able to address any further matters before submitting your formal application for an HRO. It would of course be open to the consulting bodies to object to this application for consent if they still have concerns when the application is presented.

9. I hope this is helpful. Please do not hesitate to contact me if you wish to discuss any aspect of this letter or the application process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dalla Costa', with a stylized flourish at the end.

Dario Dalla Costa
Ports Policy Advisor
Transport Scotland

Inverclyde Council

Inverclyde Council has stated that the proposed development is not of a type specified in Annex I of Directive 2011/92/EU.

Category 8(b) applies to “Trading ports, piers for loading and unloading, connected to land and outside ports but excludes ferry piers”. The proposed development therefore is not automatically classified as an EIA project and has to be considered under Annex II – development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The proposed development does not lie within a sensitive area but would fall under Annex II categories:

- 1(g) Reclamation of land from sea.
- 10(e) Construction of harbours and port installations, including fish harbours (unless included in Annex I).
- 10(k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.

As an Annex II type of project, the development has been assessed against the criteria of Annex III based around the:

- Characteristics of the development;
- Location of the development; and
- Characteristics of the potential impact.

There are no European sites, as defined by Conservation (Natural Habitats, etc.) Regulation 1994, in close proximity to the proposed development site; therefore, an appropriate assessment would not be required.

In conclusion, the proposed development is not in a sensitive area with any protected species designations. It is a continuation of the existing use, contained largely within the existing ferry terminal site with a minimal land reclamation proposed. Where there could be possible environmental impacts, they are unlikely to be significant and could be adequately mitigated against through the following of best practice and targeted measures based on advice obtained from advisory bodies.

It is not, therefore, considered that the proposed development is an EIA project, as defined by Directive 2011/92/EU and an EIA would not be required.

NatureScot

Having considered the scale and nature of the proposed development and its location, NatureScot concurs with the conclusion presented in section 5 of CMAL’s EIA Screening Report that significant environmental impacts are unlikely and that, therefore, a full EIA is not required in this case.

However, it should be noted that NatureScot is only able to advise in terms of those environmental receptors which relate to the natural heritage, and cannot offer comment on the likelihood of any other environmental impacts on receptors that lie out with its remit.

In this case NatureScot can confirm that there is no likelihood of significant effects on any national or international natural heritage designations (protected areas) for which it has a responsibility.

As with many development proposals, it is possible that statutory protected species may be disturbed by the proposal and, if so, protected species licensing from NatureScot may be required to facilitate the development.

All marine mammals in Scotland are listed as European Protected Species and, as NatureScot has previously advised Marine Scotland with regard to this proposal, the underwater noise from associated piling and other construction activities could potentially give rise to disturbance to marine mammals.

In terms of terrestrial species, places of rest/shelter used by statutory protected species may also be disturbed; for example, otters, a European Protected Species, on the Clyde waterfront.

In accordance with both the Regulations that protect such species and with Scottish Government policy, these are issues that must be fully addressed prior to the determination of any regulatory consent (for example, the Marine Licence) as no such determination should be made until such time as the consenting authority has established (a) whether any protected species licensing will be required to facilitate the development in question, and (b) whether any necessary licenses are likely to be forthcoming.

To enable this, CMAL will be required to carry out any necessary surveys/studies to determine whether any statutory protected species or their places of rest/shelter are likely to be disturbed by the development. Where this is found to be the case, CMAL should produce a relevant species protection plan (or plans) detailing how any such disturbance will be mitigated. Such plans will be used in the applications for any protected species licences.

All this must be done prior to the determination of any Marine Licence or planning consent – i.e. the above must form part of any application. However, in NatureScot's view this can all be achieved without the need for a full EIA to be carried out.

In addition to the above discussion of nationally and internationally important natural heritage receptors, it is of course possible that some locally important receptors could be impacted by the development; for example, Local Nature Conservation Sites designated by the Local Authority. The way in which any such impacts will be avoided or mitigated should also be set out in any application for regulatory consent as a matter of good practice. However, again, NatureScot believes that this can be achieved in this case without the requirement for a full and detailed EIA.

SEPA

SEPA have considered the EIA Screening Report (dated April 2022) and can confirm that, with respect to interests relevant to their remit, **they agree that EIA is not required for this proposal**. This is on the basis that modest or plainly and easily achievable environmental mitigation measures will be put in place during the construction works and operation as discussed in the Screening Report. In that regard, they recommend the applicant refers to their [standing advice on marine consultations](#) for further information and guidance. They have also included additional flood risk and waste management advice below.

Flood Risk

They consider the works to be water compatible as per their [Flood Risk and Land Use Vulnerability Guidance](#). They have standing advice on such proposals in Section 5 of their [Flood Risk Standing Advice](#) which may be useful to the applicant.

They note wave modelling is proposed to determine whether the breakwater is required. They'd welcome the opportunity to review the modelling when completed to ensure there would not be an increased risk in flooding from wave action elsewhere as a result of the breakwater installation. There is unlikely to be a significant increase in risk of flooding elsewhere due to the land reclamation as it's unlikely to impact on maximum tidal levels in the area. NatureScot have an interest, if not already consulted, with regards to potential changes to coastal erosion.

For information to support the design considerations of the works, the approximate 1 in 200-year flood level is 3.8mAOD based on calculations using the Coastal Flood Boundary Method. This is a still water level which does not account for the effects of wave action, climate change, funnelling or local bathymetry. The recommended sea level rise for the area is 0.85m by 2100 based on the latest UK climate change predictions published in 2018.

Waste Management

They note that infill with imported granular material (approximately 100,000m³) is proposed achieve the land reclamation. As the infill is to occur behind a new quay wall any import of waste material to facilitate the works will require a waste management licence or a waste management exemption under the Waste Management (Scotland) Regulations 2011. They recommend the applicant refers to the information on their [waste regulation webpage](#) and get in touch with their waste permitting team (wastepermitting@sepa.org.uk) at pre-application stage to discuss any proposals to import waste to site for the project.