

Technical Appendix 2.4: MMO EIA Scoping Opinion



Marine
Management
Organisation

Scoping Opinion

**Marine Works (Environmental Impact Assessment) Regulations 2007
("the Regulations")**

Title: Falmouth Docks Redevelopment

Applicant: A&P Group Limited

MMO Reference: EIA/2023/00039



Marine
Management
Organisation

...ambitious for our
seas and coasts



Page 1 of 16

Contents

1	Proposal.....	3
1.1	Project Background.....	3
2	Location	3
3	Environmental Impact Assessment (EIA).....	3
4	Scoping Opinion.....	4
4.1	Conservation of Habitats and Species Regulations 2017 (as amended)	4
4.2	Other Nature Conservation	6
4.3	Benthic Ecology	7
4.4	Coastal Processes	8
4.5	Seascape / Landscape.....	8
4.6	Fish Ecology and Fisheries	10
4.7	Shellfish	11
4.8	Archaeology / Cultural Heritage	12
4.9	Navigation/Other Users of the Sea.....	13
4.10	Air Quality & Climate.....	13
4.11	Water Quality	14
4.12	Seabed / Land / Soil Quality	15
4.13	Population and Human Health	15
4.14	Cumulative Impacts & In-Combination Impacts	16
5	Conclusion	16



environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.

Pursuant to regulation 5 of the Regulations, it was agreed between the Marine Management Organisation (MMO) and A&P Group Limited that the proposed works constitute an EIA development under Schedule A1, paragraph number 14 of the Regulations, specifically:

Schedule A1 paragraph 14 of The Marine Works EIA Regulations 2007 (“the Regulations”):

14. Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

Therefore, the application required for the proposed works for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (“the Act”) will be accompanied by an Environmental Statement (ES).

4 Scoping Opinion

Pursuant of regulation 13 of the Regulations, A&P Group Ltd have requested a Scoping Opinion from the MMO. In so doing, a Scoping Report (SR) entitled “Falmouth Docks Redevelopment” has been submitted to the MMO for review.

The MMO agrees with the topics outlined in the SR and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting ES.

4.1 Conservation of Habitats and Species Regulations 2017 (as amended)

4.1.1 Falmouth Bay to St Austell Bay Special Protection Area

The ES should thoroughly assess the potential for the proposal to affect designated sites. Internationally designated sites (e.g., designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA)) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition, paragraph 181 of the National Planning Policy Framework requires that potential SPAs, possible SACs, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

4.1.2 Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a

European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

- 4.1.3 Furthermore, we advise that thorough consideration should be given to any SPA, Ramsar, or SAC that is outside of the core development area which could be impacted through operational traffic associated with the proposed development, for example vessel transit to support FLOW and cruise vessels transiting through other Marine Protected Areas (MPA).

4.1.3 Fal and Helford SAC

The Scoping document is comprehensive on this matter and the MMO is encouraged to note that Marine Ecology, Commercial Finfisheries and Shellfisheries, Noise and Vibration and Underwater Noise are all scoped in as topics as these could each have some bearing on the impact to protected habitats and species. However, there is minimal detail on the management of invasive non-native species which may be found at the site and what biosecurity measures will be implemented to eliminate them and/or avoid their spread, as the proposed development lies within the Fal & Helford SAC.

- 4.1.5 The proposal would need to achieve a biodiversity net gain to be in line with the Government's 25 Year Environment Plan, the Natural Environment and Rural Communities Act 2006 (section 40 & 41), the National Planning Policy Framework (NPPF) (paragraphs 170 & 175) and the Environment Bill (schedule 15).
- 4.1.6 The ES should thoroughly assess the potential for the proposal to affect designated sites. Internationally designated sites (e.g., designated SAC and SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition, paragraph 181 of the NPPF requires that potential SPAs, possible SACs, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.
- 4.1.7 Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.
- 4.1.8 Furthermore, we advise that thorough consideration should be given to any SPA, Ramsar, or SAC that is outside of the core development area which could be impacted through operational traffic associated with the proposed development, for example vessel transit to support FLOW and cruise vessels transiting through other MPAs.

4.2 Other Nature Conservation

4.2.1 The potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website. EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. The NPPF sets out guidance in Section.174 to177 on how to take account of biodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers.

4.2.2 Sites of Special Scientific Interest (SSSIs):

- Lower Fal & Helford Intertidal SSSI
- Carricknath Point to Porthbean Beach SSSI
- Swanpool SSSI

4.2.3 Further information on the location of SSSIs and their special interest features can be found at www.magic.gov.uk. The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site, and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects. The MMO note that potential impacts from any increase in vessel traffic associated with the operational phase of the proposed port redevelopment have not been included in the EIA SR. The MMO advise that the consideration of any operational traffic associated with the development and associated impacts to national sites, both within and outside of the development boundary will be required. For example, the potential for vessels transitioning through SSSI or MCZ sites.

4.2.4 The MMO advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The ES should include details of:

- Any historical data for the site affected by the proposal (e.g., from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g., whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;

- Full details of any mitigation or compensation that might be required. The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain. The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

4.3 Benthic Ecology

- 4.3.1 The data sources identified are appropriate. A benthic survey of the site will be conducted, consisting of Day grab sampling for sediments and infauna, drop-down video (DDV) deployment for epifauna, and remote operated vehicle (ROV) deployment for inspection of below-water structures of the Port of Falmouth (see section 9.2.8 of the SR). The Applicant states that the design of this survey will be informed by an earlier DDV survey of seabed habitats and epifauna in May 2023 (see section 9.2.6 of the SR), which itself was informed by an earlier acoustic survey of the area that was used to infer potential differences in seabed habitat within the area (see Appendix 4B in the SR). The benthic ecology baseline will also be informed by surveys of the Fal and Helford SAC conducted in 2013.
- 4.3.2 The design of the upcoming benthic survey and how exactly it was influenced by the results of the previous benthic survey are unclear based on the information provided. These points would need to be clarified before the MMO can comment on whether the resulting data will be sufficient to accurately characterise the benthic ecology baseline.
- 4.3.3 Given that maerl beds are a protected feature within the Fal and Helford SAC and are present in the vicinity of the proposed development (see section 9.2.7 of the SR), the Applicant should provide reassurance that they will be able to accurately (or conservatively) delineate the extent and distribution of this feature within the development footprint using the data that are/will be collected.
- 4.3.4 You should consider whether the proposed development would increase risks relating to 1) invasive non-native species (INNS), either due to the activities conducted introducing species or the presence/extension of hard artificial structures providing surfaces for colonisation, or 2) changes to the hydrodynamics of the area caused by the presence of new hard structures. Any effects on sensitive or protected benthic features, such as maerl beds, are particularly important to consider. These potential impacts should be scoped in or out, with justification.
- 4.3.5 You should clarify whether 'Shading and overshadowing' and 'Noise and disturbance from vessel movement, piling and dredging' will be assessed for benthic ecology receptors. If not, then justification should be provided.
- 4.3.6 Regarding the potential impact of propellor wash and wake wash following the completion of the development (see Table 9-2 in the SR), it states that it is "unlikely to be significant, but the effects will be considered in the ES". However,

the second column of the same table indicates that this impact will not be assessed in the EIA. Please clarify whether this impact will be scoped in or out, with justification.

- 4.3.7 Proposed mitigation measures include: the use of a 'soft-start' procedure for any/all piling operations; avoidance of important migratory fish periods through seasonal piling; the use of silt curtains during any/all dredging operations to minimise smothering; and the use of vibro-piling (see section 9.5.1 of the SR). Of these measures, the use of silt curtains is the most relevant to benthic ecology receptors. The MMO agrees that this would be an appropriate measure if it is determined that sediment suspension and deposition is likely to have significant impacts on benthic ecology receptors.
- 4.3.8 It is unclear whether the applicant intends to prevent or minimise impacts on the designated features of the Fal and Helford SAC, within which the development site is located. Potential impacts on maerl beds appear to be a particularly high risk, given their proximity to the development footprint. Efforts to mitigate such impacts would be appropriate. If residual impacts are likely, then an impact and recovery monitoring programme should be implemented. It may also be necessary for compensation measures to be carried out (e.g., enhancements or restoration to the impacted feature either at the development site or elsewhere).
- 4.3.9 The SR scopes in relevant impacts that would result from the proposed development of Falmouth Docks and identifies appropriate data sources to characterise the benthic ecology baseline against which impacts will be assessed. Additional information is needed from the Applicant regarding the possibility of other potential impacts, the details of an upcoming benthic ecology survey plan (though this information may have been provided in a separate consultation), and the approach to mitigating impacts on protected features of the Fal and Helford SAC.

4.4 Coastal Processes

- 4.4.1 The release, dispersion and fate of material placed at disposal site (at sea) will be scoped-out of the assessment for the potential demolition and construction effects. The rationale for this is that the volumes and types of material to be disposed of at sea will be dependent on the levels of contamination present and will be disposed of in accordance with the licence of the disposal site, both in terms of volume and contaminant levels. Whilst the MMO understands your position, it does not account for the potential dispersal of contaminants as the material is being dredged from the wharf area. The MMO suggests this should be accounted for.

4.5 Seascape / Landscape

- 4.5.1 Falmouth Harbour own the historic quays overlooking the docks area. There is an area described in the SR document as the following "Character area 3, The

waterfront (approximately 300m from the site at the closest point), where “historic topography and fabric form a striking and distinctive area of townscape, both from land and water. Large-scale modern developments are visually prominent, but the area is particularly notable for the fine grain, diversity and charm of its historic components.”

If the specified area included Custom House Quay and North Quay please ensure this is included within the scope of the EIA as it will have a direct view of the proposed changes.

- 4.5.2 As the development site is adjacent to Cornwall Area of Outstanding Natural Beauty (AONB), consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the EIA, as well as the content of the relevant management plan for Cornwall AONB.
- 4.5.3 The MMO would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.
- 4.5.4 The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape/seascape assessment methodologies. We encourage the use of Landscape and Seascape Character Assessment (LCA/SCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA/SCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.
- 4.5.5 The MMO supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.
- 4.5.6 In order to foster high quality development that respects, maintains, or enhances, local landscape/seascape character and distinctiveness, the MMO encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The EIA process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.
- 4.5.7 The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context the MMO advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping

timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

- 4.5.8 The England Coast Path (ECP) is a new National Trail that will extend around all of England's coast with an associated margin of land predominantly seawards of this, for the public to access and enjoy. The MMO would encourage any proposed development to include appropriate provision for the ECP to maximise the benefits this can bring to the area. We suggest that the development includes provision for a walking or multi-user route, where practicable and safe. This should not be to the detriment of nature conservation, historic environment, landscape character or affect natural coastal change. Consideration for how best this could be achieved should be made within the ES.
- 4.5.9 As part of the development of the ECP a 'coastal margin' is being identified. The margin includes all land between the trail and the sea. It may also extend inland from the trail if:
- it's a type of coastal land identified in the Countryside and Rights of Way Act 2000 (CROW Act), such as beach, dune or cliff;
 - there are existing access rights under section 15 of the CROW Act;
 - Natural England and the landowner agree to follow a clear physical feature landward of the trail Maps for sections of the ECP and further proposals for adoption are available here:
<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>
- 4.5.10 The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby South West Coast Path National Trail. The National Trails website (www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

4.6 Fish Ecology and Fisheries

- 4.6.1 After reviewing the Environment Agency (EA) data (<https://environment.data.gov.uk/ecology/explorer/>), the MMO found evidence of European eel (*Anguilla anguilla*) being present in the Fal River. Both Allis and Twaites Shad (*Alosa alosa* and *Alosa fallax*) have also been recorded within the vicinity, and these species should therefore be scoped into the assessment.

- 4.6.2 Please specify what kind of piling will be proposed in your ES. Underwater noise (UWN) generated during percussive piling operations has the potential to cause physiological harm and affect behaviour in fish. Fish responses to noise are in-part related to the anatomy of their hearing mechanisms. The presence of a swim bladder enhances hearing sensitivity as the bladder acts as a pressure transducer, converting sound pressure to particle velocity. Those species where the swim bladder is near to or connected to the ear have increased hearing sensitivity and thus greater vulnerability to underwater noise impacts. The MMO recommends that the impacts of underwater noise and vibration on fish are scoped into the impact assessment.
- 4.6.3 Please ensure you consider the following key points when undertaking UWN modelling as part of the UWN impact assessment for fish:
- i. Fish species with spawning or nursery grounds in the area, and those species that are known to migrate through the Fal should be classified into one of the four categories based on the hearing capabilities and presence/absence of a swim bladder.
 - ii. Please also refer to Popper et al. (2014) for sound exposure guidelines on noise thresholds for mortality, potential mortal injury and recoverable injury, temporary threshold shift (TTS) and behavioural responses for fish for impulsive noise (e.g., percussive piling) and continuous noise (e.g., vibro piling).
 - iii. The underwater noise assessment should be presented using appropriate unweighted metrics, supported by underwater noise modelling or by case studies of a similar nature to support conclusions made on the likelihood and significance of impacts to fish from piling.
 - iv. The modelled/predicted impact ranges for underwater noise should be discussed in the context of the width of the Fal Estuary to determine the likelihood of an acoustic 'barrier' to fish movement and migration.
 - v. If concurrent/simultaneous piling activity is proposed, this should also be included in the modelling or considered when sourcing supporting case study information.
 - vi. The timing of piling and dredging works should be provided, together with a description of the number and size of the piles, typical duration of installation (per pile), and the number of piles to be installed per day, so that any overlap in construction and dredging activities with the spawning and migratory periods of fish can be identified.

4.7 Shellfish

- 4.7.1 Relevant data sources have been identified and have scoped in the relevant shellfisheries receptors. The MMO would expect impacts on shellfish receptors (non-commercial) to also be included.

4.8 Archaeology / Cultural Heritage

- 4.8.1 This development could, potentially, have an impact within the setting of a number of designated heritage assets in the area around the site. In line with the advice in the NPPF, the ES should contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.
- 4.8.2 The MMO would also expect the ES to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.
- 4.8.3 The MMO recommends that you involve Cornwall Council's Conservation Officer and the archaeological staff at Cornwall Council's Historic Environment Planning team in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets. It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.
- 4.8.4 The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments.
- 4.8.5 In relation to the SR, attention has been given to the potential marine archaeological impacts in addition to terrestrial heritage factors. The marine scoping assessment rightly raises the potential for the presence of palaeogeological features and deposits. For instance, in the Carrick Roads/Falmouth area this may include elements of submerged prehistoric forests and drowned former land surfaces and soils/peats. The MMO would expect to see the assessment and evaluation of this aspect of the marine archaeological resource include both geoarchaeological (mentioned in the report) and palaeoenvironmental approaches in assessing significance and from that, an identification of the nature and magnitude of potential impacts.

4.9 Navigation/Other Users of the Sea

- 4.9.1 The site falls within the jurisdiction of a Statutory Harbour Authority (SHA). The applicant A&P occupy the site and act as the Falmouth Docks and Engineering Company (FDEC) under the Falmouth Harbour Act and Orders 1870-1991. The SHA is responsible for maintaining the safety of navigation within their waters during the construction and the operational phase of the project. It is unclear at this stage which other SHAs are likely to be impacted by the proposals.
- 4.9.2 A Navigation Risk Assessment (NRA) will be undertaken in compliance with the Port Marine Safety Code (PMSC) and its associated Guide to Good Practice, which the Maritime and Coastguard Agency (MCA) welcomes. We note that liaison with neighbouring SHAs will also be undertaken. To ensure local stakeholder input, the MCA would recommend a hazard identification workshop be held, to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety. Decisions relating to further controls should be agreed in consultation with other interested parties to determine whether the 'as low as reasonably practicable' (ALARP) status has been met for each risk. The outputs of the NRA should be used to inform a judgement on significance of effects arising from the Project.
- 4.9.3 To address the ongoing safe operation of the marine interface for this project, the MMO would like to point highlight the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to develop a robust Safety Management System (SMS) for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.
- 4.9.4 The MMO is satisfied with the SR at this stage as the basis for an EIA and an ES from the shipping and navigation perspective, and supports the shipping and navigation related impact pathways which are proposed to be scoped in to the ES during both the construction and operation of the development. No effects should be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the NRA and further stakeholder consultation.
- 4.9.5 Falmouth Pilots have not been consulted in defining the scope. That is the intention described in the document, however these key organisations are not included as critical consultees. This is key due to the close operational relationship with the docks required to maintain navigational safety of the area including access to and from the docks (the site).

4.10 Air Quality & Climate

- 4.10.1 Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in

England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the EA website.

- 4.10.2 The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Paragraph 174), which should be demonstrated through the ES.

4.11 Water Quality

- 4.11.1 This proposal outlines that there could be significant impacts within the estuary local to the development site although the Water Framework Directive (WFD) scoping suggests that the proposed activity and mitigation measure would not detrimentally impact the Carrick Roads WFD waterbody classification. Given the extent of piling, dredging and sediment disturbance likely to occur, there is a risk that estuarine water quality will be impacted unless suitable containment and mitigation measures such as the erection of silt curtains are deployed. Sediments near the docks have been historically contaminated with tributyltin (TBT) so it is essential that any contaminated sediments are characterised and contained and where possible removed and not allowed to spread freely within the estuary. We note that matters of Marine Water and Sediment Quality and material resources and waste are scoped in which is supported.
- 4.11.2 Seagrass should be included as a sensitive habitat as well as maerl in relation to increased suspended sediment concentration in water column during maintenance dredging due to the proximity and sensitivity of these habitats.
- 4.11.3 Increases in suspended sediment concentrations (SSC) during construction and operation (e.g., future dredging works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of contaminated sediments. The EIA should also consider whether increased suspended sediment concentrations resulting are likely to impact upon the

interest features and supporting habitats of the designated sites as listed above.

- 4.11.4 The ES should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.
- 4.11.5 For activities in the marine environment up to one nautical mile out at sea, a WFD assessment is required as part of any application. The ES should draw upon and report on the WFD assessment considering the impact the proposed activity may have on the immediate water body and any linked water bodies. Further guidance on WFD assessments is available here:
<https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

4.12 Seabed / Land / Soil Quality

- 4.12.1 Environmental risks associated with land contamination and redevelopment would be primarily controlled through planning conditions on any approved permission where required and consequently are typically excluded from the ES. This approach will be acceptable for the terrestrial portion of the site to identify the most appropriate options for management of land contamination risks. However, in relation to the proposal that incorporates the Northern arm, our records indicate that this area of the site is identified as the "New Site" historic landfill. This is likely to relate to deposit of material used in land reclamation associated with the original construction of the wharfs and management of potential contaminants from this material will require further assessment. Table 6-1 of the Scoping Opinion document Identifies Potential Effects from development of preferential pathways for contamination (line 1) and mobilisation of contamination during demolition and construction (line 2 and 3). Table 6-1 specifically refers to contaminated sediments and the MMO recommends that these three items (which are scoped in), also be expanded to incorporate contamination associated with the "New Site" landfill material in this area.
- 4.12.2 Changes to tidal currents, wave conditions, sediment transport and patterns of erosion and accretion during operational life of the scheme. You will need to assess the potential impacts of nearby infrastructure such as marinas and leisure moorings as well as key habitats such as maerl & Seagrass. Changes to tidal currents could impact various infrastructure such as quays and marinas, through increased flow and accretion resulting in increased operational and capital expenditure

4.13 Population and Human Health

- 4.13.1 The MMO encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks

and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green/blue infrastructure. Relevant aspects of local authority green/blue infrastructure strategies should be incorporated where appropriate

4.14 Cumulative Impacts & In-Combination Impacts

- 4.14.1 A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.
- 4.14.2 The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):
- a. existing completed projects;
 - b. approved but uncompleted projects;
 - c. ongoing activities;
 - d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
 - e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

5 Conclusion

The topics highlighted in this scoping opinion must be assessed during the EIA process and the outcome of these assessments **must** be documented in the ES in support of the marine licence application and any associated planning application(s). This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

Yours Sincerely,

Y. Golightly

Yvonne Golightly
Marine Case Officer

D 020 8720 4566 / 07881 838 028

E yvonne.golightly@marinemanagement.org.uk