

SCHEDULE

Article 34

ENVIRONMENTAL REQUIREMENTS

PART 1

Environmental Statement

In constructing the works, the Company shall act in accordance with the commitments given in the Environmental Statement being the Environmental Statement dated 7 October 2005 together with the Non-technical Summary, the twelve Appendices thereto and the Addendum dated 12 December 2005 and which was submitted with the application made for this Order to the Scottish Ministers and considered at the public inquiry which took place in the Cairnryan Community Centre between 30 November 2006 and 15 December 2006.

PART 2

Protected properties

1. Provided that the consent of the owner of a protected property is first given in writing, the Company shall, as soon as reasonably practicable at their expense, secure that the following works are carried out to each protected property by a contractor nominated by the Company and to the reasonable satisfaction of the owner of each protected property—

- (a) the installation of acoustic glazing in all windows facing the A77 trunk road; and
- (b) the installation of standard double glazing in all other windows.

2.—(1) Subject to subparagraph (2) below if the consent of any body or other third person is required for the installation in a protected property of any glazing mentioned in paragraph 1 above, the Company will at their expense apply for that consent at the request and on behalf of the owner of that protected property.

(2) If the consent referred to in subparagraph (1) above is given subject to a condition that a type of glazing other than that mentioned in paragraph 1 above and defined in paragraph 4 below is to be installed in the protected property in question, the Company shall, if the owner of that protected property so consents in writing, secure the installation of that type of glazing in that protected property and in all other respects the provisions of this Part shall apply to that installation.

3. Any dispute arising between the Company and the owner of a protected property as to whether the works referred to in paragraph 1 above have been carried out to the reasonable satisfaction of that owner shall be referred to and determined by an independent person acting as an expert and who is a specialist in relation to such matters; and that person shall be agreed by the Company or, failing such agreement, shall be appointed by the President or other duly authorised officer of the Institution of Civil Engineers on the application of either the Company or the owner of the protected property in question.

4. In this Part of this Schedule—

“acoustic glazing” means glazing which comprises—

- (a) two panes of glass which are respectively 10 millimetres and 6 millimetres thick and having a gap of 12 millimetres between each of those panes; or
- (b) two panes of glass one of which is 6 millimetres thick and the other being laminated glass which is 6.4 millimetres thick and having a gap of 12 millimetres between each of those panes; or

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(c) such other glazing as would have an equivalent noise attenuating effect.

“standard double glazing” means glazing which comprises two panes of glass which are both 4 millimetres thick and having a gap of 16 millimetres between each of those panes; and

“the protected properties” means the following properties situated within the village of Cairnryan and “protected property” means any one of the protected properties–

- 1 PORTWAY
- 2 WESTLANDS
- 3 OLD MANSE
- 4 RIOGHAINÉ
- 5 GWELFOR
- 6 LIGHTHOUSE COTTAGE
- 7 CRAIGAMMIN
- 8 TUKVAR
- 9 CAIRN HOUSE WEST
- 10 CAIRN HOUSE EAST
- 11 VIRGINIA COTTAGE
- 12 RYAN COTTAGE
- 13 BARDOWIE
- 14 EAGLE VIEW
- 15 1 VICTORIA BUILDINGS
- 16 2 VICTORIA BUILDINGS
- 17 3 VICTORIA BUILDINGS
- 18 MACHRIDENE
- 19 AULD HAME COTTAGE
- 20 ROSE COTTAGE
- 21 OLD CHURCH
- 22 ARDATH
- 23 LARRA
- 24 NORTH PARK
- 25 LOCHVIEW
- 26 LILAC COTTAGE
- 27 CLAREMONT COTTAGE
- 28 HARBOUR VIEW
- 29 AULD CAIRN
- 30 MERCHANTS HOUSE
- 31 LOCHSIDE

- 32 RYANBANK
- 33 4 SOUTH PLACE
- 34 3 SOUTH PLACE
- 35 2 SOUTH PLACE
- 36 1 SOUTH PLACE
- 37 LOCHINE COTTAGE
- 38 OLD POST OFFICE
- 39 CEDAR LODGE
- 40 CAIRNRYAN HOUSE B&B
- 41 1 CLADDYBURN TERRACE
- 42 2 CLADDYBURN TERRACE
- 43 3 CLADDYBURN TERRACE
- 44 4 CLADDYBURN TERRACE
- 45 5 CLADDYBURN TERRACE
- 46 6 CLADDYBURN TERRACE
- 47 7 CLADDYBURN TERRACE
- 48 8 CLADDYBURN TERRACE
- 49 9 CLADDYBURN TERRACE
- 50 10 CLADDYBURN TERRACE
- 51 11 CLADDYBURN TERRACE
- 52 12 CLADDYBURN TERRACE
- 53 1 CROACH ROAD
- 54 HIGH CROACH FARM
- 55 13 CLADDYBURN TERRACE
- 56 14 CLADDYBURN TERRACE
- 57 15 CLADDYBURN TERRACE
- 58 16 CLADDYBURN TERRACE
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- 67 WOODBURN
- 68 ROADSIDE COTTAGE
- 69 HOMESTEAD
- 70 BLINKBONNIE
- 71 KILORAN COTTAGE
- 72 TALMA
- 73 BRAEFOOT
- 74 BANKHEAD FARM
- 75 ROSEBANK

PART 3

Majority of bulk fill material to be delivered by sea

The Company shall secure that the majority of the bulk fill material (to be used for reclaiming that part of Loch Ryan and the foreshore as lies within the limits of deviation) shall be delivered to those limits by sea.

PART 4

Scour protection

The Company shall submit to the Scottish Ministers for their written approval—

- (a) a plan showing the extent and location of the scour protection which the Company shall lay adjacent or near to Works Nos. 1 to 5; and
- (b) a description of the dimensions and materials to be used for the fabrication of that scour protection;

and the Company shall not permit Works Nos. 1 to 5 to be used for the provision of ferry services until that approval is given but nothing in this Part shall preclude the Company from permitting the existing Berths Nos. 1 and 2 from continuing to be used for the provision of such services.

PART 5

Restriction as to dredging

The Company shall not carry out any dredging for the purposes of the construction of Works Nos. 1 to 5 in any year during the period commencing 7 June and ending 17 August or such other period as may be agreed in writing between the Company and the Scottish Environmental Protection Agency.

PART 6

Monitoring

1. The Company shall prepare and submit to the Scottish Ministers for their written approval—
 - (a) a programme of regular monitoring of, and reporting on, any sediment deposition in the area of the Leffnoll oyster bed to be undertaken at the commencement of any dredging

carried out for the construction of Works Nos. 1 to 5 and to continue thereafter for a period of five consecutive years beginning on the date when Works Nos. 1 to 5 are first brought into operation;

- (b) a programme for monitoring the status of the Leffnoll oyster bed for a period of five continuous years beginning on 1 July 2007;
- (c) a feasibility study of the status of the native oyster population in Loch Ryan and the opportunities that may exist to enhance the density and abundance of that population; and
- (d) the plan referred to in paragraph 3 below.

2. The Company shall not commence the construction of Works Nos. 1 to 5 until the programmes and the study referred to in paragraph 1 above have been approved by the Scottish Ministers and the Company shall, as soon as reasonably practicable after that approval has been given, use their reasonable endeavours to secure that those programmes and that study are carried out and are reported to such interested parties as the Scottish Ministers may specify when giving their approval.

3. In this Part of this Schedule, “the Leffnoll oyster bed” means that part of Loch Ryan to be designated as such by reference to a plan to be submitted by the Company to, and approved by, the Scottish Ministers.

PART 7

Vehicular access

During the construction of Works Nos. 1 to 5, the Company shall, subject to obtaining any consent which may be required to be given by the roads authority pursuant to section 56 of the Roads (Scotland) Act 1984(1), secure that a temporary access from the A77 trunk road to the site of those works is provided and located in the vicinity of Work No. 6.

PART 8

Cetaceans etc.

For 15 minutes prior to the commencement of any piling operations which are required for the construction of Works Nos. 1 to 5, the Company shall employ and shall use their reasonable endeavours to have available at any requisite time a person having experience of cetacean monitoring to watch for cetaceans and large sharks and, if that person reports that any cetaceans or large sharks are swimming within a one kilometre radius of the site of that proposed piling operation, the Company shall secure that the proposed piling operation shall be delayed until that person reports that he or she is reasonably satisfied that there are no cetaceans or large sharks within that radius.

PART 9

Birds

The Company shall—

- (a) when carrying out any piling operations which are required for the construction of Works Nos. 1 to 5, use their reasonable endeavours to avoid disturbance to nesting birds which habituate any part of the limits of deviation; and

(1) 1984 c. 54.

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- (b) secure that when the authorised works have been constructed, a reasonably sufficient number of nesting boxes for black guillemots shall be located conveniently for those guillemots on structures within the port limits.

PART 10

Otters

To prevent or minimise harm being caused by the construction of any of the authorised works to otters living within, or within the vicinity of, the port limits, the Company shall secure that during the period of the construction of the authorised works—

- (a) all pipelines are closed off and all open trenches ramped over in at least one position at the end of each working day throughout the period of the construction of the authorised works;
- (b) any new roadside fence which is to be erected within 50 metres of the Claddy House Burn shall continue to a depth of 200 millimetres below soil level; and
- (c) similar otter proof fencing is erected where reasonably practicable to exclude otters from the port limits.

PART 11

General

Nothing in this Schedule shall exempt the Company from fulfilling any requirement imposed on the Company by any rule of law or which arises from any commitment which is binding on the Company.