

Summary of Scoping Requirements

Consultee	Summary of Response/Comments in The Highland Council Scoping Response	Summary of Response/Comments in Marine Scotland Scoping Response	EIAR Reference
The Highland Council	<p>EIAR to contain a statement on the qualification and experience of all involved in Report.</p> <p>Description of Development</p> <ul style="list-style-type: none"> Description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. Description of main characteristics of the production process. The risks of accidents An estimate, by type and quantity of expected residues and emissions resulting from the operation of the development. The estimated cumulative impact of the project with other consented or operational development with similar impacts <p>Alternatives</p> <ul style="list-style-type: none"> Main development alternatives including locational criteria and economic parameters The environmental effects of the different options examined <p>Environmental Elements Affected</p> <ul style="list-style-type: none"> Land use – recognise existing land uses affected, having particular regard for Highland Council’s Development Plan and other Supplementary Planning Polices. This should be provided in addition to a Planning Statement. It is not considered helpful to cover planning policy within each Chapter of the EIAR Nature Conservation Sites – address likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. Details of any mitigation required to avoid or reduce impacts. The inclusion of a CEMD as a technical appendix to the ERIA is welcomed. Terrestrial Ecology/Ornithology – the inclusion of an assessment in the EIAR is welcomed. Marine Ecology – Inclusion of a Marine Mammal Protection Plan is welcomed. Noise – it is expected that the EIAR will consider both construction and operational noise. Assessment of these aspects will be required although baseline monitoring does not need to be redone. <p>The Highland Council requested the inclusion of an assessment of ‘Significant Effects on the Environment’. It is also requested that a Draft Schedule of Mitigation is provided in the form of a table.</p>	No consultation response required in relation to marine works	<p>Statement on qualification and experience of Project Team included in Chapter 1: Introduction</p> <p>Description of Development included in Chapter 3: The Proposed Development.</p> <p>Assessment of alternatives is included within Chapter 4: Site Selection and Alternatives.</p> <p>Land Use- a review of the land use identified within the Development Plan is contained within Chapter 5: Planning Policy Context. A separate Planning Supporting Statement has been submitted in support of the application to renew the existing planning permission in principle.</p> <p>Nature Conservation Sites- the effects of the Proposed Development on designated sites in contained within Chapter 7: Terrestrial Ecology and Chapter 8: Marine Ecology. The Construction Environmental Management Document is contained within Technical Appendix 3.3.</p> <p>The Terrestrial Ecology and Ornithology Assessment is contained within Chapter 7.</p> <p>The Marine Mammal Protection Plan is included in Appendix 8.2.</p> <p>Chapter 9: Airborne Noise and Groundborne Vibration considers both construction and operational noise. In accordance with the Scoping Response no updated baseline monitoring has been undertaken.</p> <p>Technical Chapters 6 – 11 contain as assessment of significant effects. Chapter 12 includes a schedule of proposed mitigation. Chapter 13 contains a summary of residual effects following mitigation.</p>
Marine Scotland	No comment on the planning application requirements	<p>The main potential issues identified are:</p> <ul style="list-style-type: none"> The fate of the dredged material, in particular the potential contaminants within the proposed area for dredge and the question of whether this material will be disposed of at sea; and 	<p>Technical Appendix 3.9: Dredge Strategy and Best Practice Environmental Option contains details of the proposed disposal and reuse of dredged material.</p> <p>Chapter 8 and the associated Technical Appendices include an assessment of effects on Marine Ecology.</p>

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		<ul style="list-style-type: none"> Impacts to marine ecology, in particular the loss of benthic sediment and its direct and indirect impact to non-breeding and breeding birds and diadromous fish. <p>Marine Scotland has scoped in the following topics:</p> <ul style="list-style-type: none"> Terrestrial Ecology – requested 2 years of data for the non-breeding interests and one year for breeding interests. Marine Ecology – revised Marine Mammal Protection Plan and an updated on vessel movement. Review of baseline for diadromous fish and seal features. Airborne Noise and Groundborne Vibration – requested that baseline monitoring needs to be re-done Underwater Noise – assessment to be updated. Marine Scotland has requested that the Marine Mammal Protection Plan includes details of mitigation and the use of a Marine Mammal Observer and Passive Acoustic Monitoring Water Environment – updated hydrodynamic modelling and bathymetric surveys welcomed to inform Sediment Transport Monitoring Plan and Coastal Processes Assessment. Pre-dredge sampling will need to be completed Natural Disasters Major Accidents Cumulative Assessments Shipping and Navigation – concerns raised by consultees about potential impact the works may have on vessels operating in the area. <p>General Comments Marine Scotland has asked for a statement detailing the project team’s qualifications and experience to be included.</p> <p>It is requested that a table of mitigation measures is included.</p> <p>Terrestrial Ecology and Ornithology The Scottish Ministers agree:</p> <ul style="list-style-type: none"> With RSPB and SNH that two years of wintering bird counts, and one year of breeding bird data be collected in order to determine potential impacts of the proposed works; That particular detail of the proposed works should be provided in an HRA report in order to properly assess the impact on the features of the SPA, pSPA and SSSI. That a detailed description of all the measures to be put in place to mitigate impacts to the SPA, pSPA and SSSI. 	<p>A Breeding Bird Survey Report is included within Technical Appendix 7.5.</p> <p>A Marine Mammal Protection Plan is included within Technical Appendix 8.2. An update of vessel movement is contained within Chapter 6: Shipping and Navigation.</p> <p>Marine Scotland had requested that updated baseline monitoring is undertaken in relation to Airborne Noise and Groundborne Vibration. Graham + Sibbald provided Marine Scotland with a copy of The Highland Council’s Environmental Scoping response detailing that updated baseline monitoring was not required. Marine Scotland has agreed that additional monitoring is not required.</p> <p>The underwater noise assessment has been updated and is included within Chapter 10. The Marine Mammal Protection Plan is contained within Appendix 8.2 and includes details of proposed mitigation.</p> <p>Updated hydrodynamic modelling and bathymetric surveys have been undertaken and are included within Technical Appendix 11.1. The Sediment Transport Monitoring Plan is contained within Appendix 11.3.</p> <p>An assessment of potential relevant natural disasters and major accidents is included in Chapter 3: The Proposed Development.</p> <p>A description of other projects that could result in potential cumulative effects is contained within Chapter 2: EIA Process and Methodology. Technical Chapter 6 – 11 refer to any potential cumulative effects.</p> <p>A Chapter on Shipping and Navigation has been included (Chapter 6).</p> <p>The Project Team’s qualifications and experience is included in Chapter 1: Introduction.</p> <p>A table of mitigation measures is included in Chapter 12.</p> <p>Terrestrial Ecology and Ornithology – a breeding bird survey report is included in Technical Appendix 7.5. A Habitats Regulation Appraisal has been undertaken and is included in Technical Appendix 7.6. Chapter 7: Terrestrial Ecology and Ornithology and the associated Technical Appendices contain details of the proposed mitigation measures.</p>

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		<p>Marine Ecology The Scottish Ministers agree:</p> <ul style="list-style-type: none"> • With SNH on the requirement to test the assumptions made previously on vessel movements to see if these are still applicable and, if not, then additional modelling may be required. • That particular detail of the proposed works should be provided in an HRA report in order to properly assess the impact on the diadromous fish and seal features of the SACs. • With RSPB that an intertidal ecology assessment should be carried out. <p>Water Quality and Sediment Transport The Scottish Ministers agree:</p> <ul style="list-style-type: none"> • With SNH that baseline conditions to sediments have changed, and together with the fact the chemistry for the dredge material is 5 years old, the Scottish Ministers conclude a full re-testing of the sediment is required. Seabed sampling (boreholes and grab samples) should be undertaken in line with the Pre-Disposal Sampling Guidelines as referenced in Appendix V with the sampling plan agreed with Scottish Ministers prior to any sampling. The results of this will be used to assess any potential impacts of mobilising historic contamination in the seabed. • That consideration should be given to the impact of the works and from increased sedimentation effects on features of the SPA, pSPA, SAC SSSI or Ramsar site; • With SEPA that the applicant include the schedule of mitigation in the CEMP; and • To undertake a robust coastal morphology assessment when more details on volumes of disposal are available. • That maintenance dredging and disposal operations should be considered and this should form part of the EIA report. <p>Shipping and Navigation The requirement for a separate chapter on Shipping and Navigation was raised by RYA and MCA in their consultation responses. Marine Scotland agrees that this should be scoped in and a chapter included in the EIAR.</p> <p>This should include consideration of potential impacts the works may have on vessels operating in the area, as well as maintaining the safety of navigation with appropriate risk mitigation measures.</p>	<p>Marine Ecology – updated vessel movement is contained within Chapter 6: Shipping and Navigation and this has been taken into consideration in the preparation of Chapter 8: Marine Ecology. Technical Appendix 8.1 contains the Marine Ecology Impact Assessment which assesses the impact on diadromous fish and seal features. An Intertidal and Benthic assessment has been carried out and is contained within Technical Appendix 8.3.</p> <p>Water Quality and Sediment Treatment- updated bathymetric surveys have been undertaken and contained within Technical Appendix 11.1. The dredge disposal options are contained within the Dredge Strategy and Best Practice Environmental Option contained within Technical Appendix 3.9. Technical Appendix 11.2 contains the Coastal Processes Report which details the sediment sampling and consideration of effects resulting from increased sedimentation. This also includes details of the relevant mitigation measures.</p> <p>Shipping and Navigation – As requested a separate chapter on Shipping and Navigation has been provided (Chapter 6).</p>

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The Highland Council Transport Planning	No roads and transport related comments in relation to the Proposed Development		No action required
The Highland Council Flood Team	No formal response provided		Flood risk has been 'scoped out' of the EIAR. No further action required.
The Highland Council Environmental Health	<p>Environmental Health has commented that the previous noise assessment was too generic with absence of site specific information.</p> <p>There has been sufficient changes in guidance since the 2013 ES was prepared. Primarily, BS4142 was updated in 2014. Environmental Health therefore consider that there is a requirement for a Noise Assessment and this should be scoped in.</p> <p>Baseline monitoring does not need to be updated.</p> <p>The assessment should demonstrate that noise arising from plant or equipment will not exceed NR20 within any neighbouring noise sensitive property or that the Rating Level of noise will not exceed the background level by more than 5dB(A).</p> <p>The Noise Consultant should discuss the scope of the assessment with Environmental Health in advance of the EIAR being submitted.</p>		<p>Discussions have been undertaken with The Highland Council's Environmental Health Department to agree the scope of the Airborne Noise and Groundborne Vibration Chapter (Chapter 9).</p> <p>The application submission is to renew the existing planning permission in principle. Therefore further site specific information on the Proposed Development is not available at this in principle stage.</p> <p>Chapter 9 reflects the updated guidance. As confirmed at the Scoping stage no updated baseline monitoring was required.</p> <p>The current planning permission in principle contains a condition to control the noise levels arising from plant or equipment. The applicant is proposing that this condition remains, should planning permission be granted to renew this consent. It is requested that the condition specifically relates to work outwith the scope of the Harbour Revision Order.</p>
The Highland Council Contaminated Land Team	No comment		Contaminated land has been 'scoped out' of the EIAR. No further action required.
SEPA	<p>SEPA has confirmed that for works below the Mean High Water Springs, they do not generally provide site specific advice. They refer to SEPA's Standing Advice in relation to the re-use of dredging material and consideration of potential risk of contamination.</p> <p>Pollution Prevention and Environmental Management</p> <ul style="list-style-type: none"> SEPA supports the inclusion of the CEMD as a technical appendix The applicant should provide a Schedule of Mitigation The Schedule of Mitigation should include for daily inspections during construction work and a log of the inspections to be maintained. <p>Site Drainage and Discharges</p> <ul style="list-style-type: none"> Surface water runoff must be treated by SuDS. A Site Plan showing the proposed SuDS treatment must be submitted. This should be supported by The Simple Index Approach Calculations. High risk areas should be identified and drainage from these areas minimised and connected to public foul sewer. The applicant should include commentary on the acceptability of post-development runoff rates for flood control should be sought from the Local Authority Flood Prevention Unit. 	Same consultation response provided to Marine Scotland	<p>The CEMD is contained within Appendix 3.3. A Schedule of Mitigation is provided within Chapter 12.</p> <p>Graham + Sibbald has undertaken further discussions with SEPA in relation to surface water drainage. A statement relating to the proposed SuDS requirements is contained within Chapter 3: The Proposed Development.</p>

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	<ul style="list-style-type: none"> SEPA encourages the submission of a draft SuDS proposal to them in advance of the EIAR being submitted Foul drainage from the site should be connected to the public sewage system The 2013 ES confirmed that there were to be no process discharges from the site. It is presumed that this is still the case <p>Flood Risk SEPA has confirmed that they have no additional information on coastal flood levels or observed flooding since 2013 and therefore the previous assessment work remains valid.</p> <p>SEPA has confirmed that Flood Risk can be scoped out of the EIAR.</p> <p>Terrestrial Ecology</p> <ul style="list-style-type: none"> SEPA welcomes the applicant's proposals to update the ecological surveys. If there are wetlands or peatland systems present, the EIAR should demonstrate how the layout and design of the proposal avoids impact on such areas. Agree a Phase 1 Habitat Survey should be carried out. SEPA states that their guidance entitled 'A Functional Wetland Typology for Scotland' should be used to identify all wetland areas. The National Vegetation Classification should be completed for any wetlands identified. SEPA guidance on Assessing the Impacts of development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems should be adhered to SEPA welcomes the commitment to design and implement a natural heritage management scheme for the site. <p>Impacts on the Fresh Water Environment</p> <ul style="list-style-type: none"> As far as SEPA is aware, the development will not result in any direct engineering works on watercourses. The EIAR should confirm that no groundwater abstractions are located within 250m of any areas where there may be deep excavations. 		<p>Flood risk has been 'scoped out' of this EIAR.</p> <p>Terrestrial Ecology – the updated Terrestrial Ecology and Ornithology Assessment is contained within Chapter 7 and the associated Technical Appendices. Technical Appendix 7.7 contains the Natural Heritage Management Plan.</p> <p>It is confirmed that no groundwater abstractions are located within 250m of any areas of deep excavations.</p>
SNH	<p>The key natural heritage issues arising from this development are likely to be its impacts on designated features of European and national importance including bottlenose dolphins, common seals, breeding and wintering birds and intertidal habitats and land forms.</p> <p>Spit head and tidal channel have accumulated significant sediment since 2013 and the consequences of this for the future functioning of a port will need to be reflected in the EIAR in terms of possible changed dredge volumes, depth and area. The changes could affect designated interests and theses would need to be properly assessed.</p>	Same consultation response provided to Marine Scotland	Technical Appendix 3.9 details the proposed dredge strategy. Chapter 11: Water Environment assesses the effects resulting from increased sedimentation.

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	<p>EIAR should also clearly state all other aspects of the current proposal are the same as 2013. This should include the proposed piling regime and process for disposal of the dredged material.</p> <p>SNH welcomes the inclusion of the CEMD as a technical appendix to the EIAR. Further detail on what the OEMD might include would be helpful as part of the EIAR, particularly in relation to the applicant’s plans for future maintenance dredge and disposal operations.</p> <p>EIAR should consider current cumulative effects and how the impacts of the proposed development will be assessed in combination with other existing or proposed developments. In particular cumulative assessment of underwater noise and vessel movement in the context of the various planned developments close by as well as the Moray Firth Offshore Wind Farms.</p> <p>Terrestrial Ecology and Ornithology</p> <ul style="list-style-type: none"> • SNH is pleased that an assessment is to be included in the EIAR • The Moray Firth proposed Special Protection Area should be scoped in and the implications of the development on this qualifying interest should be fully assessed. • Breeding bird survey is adequate. • Wetland Bird Survey Data proposed for non-breeding season does not provide adequate data and is too old for current assessment. SNH advises that the applicant undertakes their own counts through tidal cycle. Two years of data for the non-breeding interests is required. One year is sufficient for breeding birds. <p>Marine Ecology</p> <ul style="list-style-type: none"> • SNH welcomes the inclusion of this assessment in the EIAR • SNH has asked that the EIAR confirms if the vessel movement assumptions made in 2013 are still applicable. • SNH agrees that no further assessments is required on the impact of use of ducted propellers and the potential impact on seals. However, other potential impacts on common seal should be considered. • Since 2013, the haul out site at Whiteness Sands have been formally designated. Also the Dornoch Firth and Morrich More Special Area of Conservation should be scoped in. Since 2013 there have been further studies showing connections between the Dornoch Firth and Morrich More SAC common seals and sites in the Inner Moray Firth. <p>Underwater Noise</p> <ul style="list-style-type: none"> • SNH has mentioned that a number of studies have been carried out in relation to underwater noise since 2013 (including impacts of piling of Nigg Bay by Graham et al). • SNH requests that the applicants reviews the previous assessment to determine if Chapter should be updated. • The assessment should be based on current proposals in relation to piling, vessel movement and dredging and disposal operations. 		<p>Details of the proposed piling and dredging works are contained within Chapter 3: The Proposed Development.</p> <p>The CEMD is included in Technical Appendix 3.3. The existing planning consent has a condition attached that outlines the requirements of the OEMD. It is anticipated that a similar condition will be attached, should The Highland Council be minded to grant planning permission to renew the existing planning permission in principle.</p> <p>Chapter 2: EIA Process and Methodology details the projects that have been considered as part of the cumulative assessment. These were agreed with SNH at the Scoping stage. The relevant technical chapters contain an assessment of cumulative effects.</p> <p>Terrestrial Ecology and Ornithology – An updated assessment is contained within Chapter 7 and the associated Technical Appendices. The potential effects on the Moray Firth Special Protection Area have been considered in this assessment. Updated bird survey information is contained within Technical Appendices 7.1 and 7.5.</p> <p>Marine Ecology – an updated assessment is included in Chapter 8 and the associated Technical Appendices. Details of updated vessel movement has been considered in Chapter 6: Shipping and Navigation. The findings of this Chapter have been taken into consideration in the preparation of the Marine Ecology Assessment. The potential impact on common seal has been assessed in Chapter 8 and Technical Appendix 8.1 The potential effects on Whiteness Sands and other designated areas has been taken into account in the marine ecology assessment.</p> <p>Underwater Noise – updated underwater noise assessment has been undertaken and is contained within Chapter 10.</p>

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	<p>Water Environment</p> <ul style="list-style-type: none"> • SNH welcomes the inclusion of a Coastal Processes Assessment in the EIAR. • The Coastal Processes Assessment and the Sediment Transport Monitoring Plan should be informed by the findings of the National Coastal Change Assessment. • EIAR should detail the depth for disposal of dredging of the Whiteness Sands disposal site. The EIAR should set out a strategy based on the various potential impacts on designated interests in relation to disposal above and below the -5m chart datum threshold. They should include proposals for future monitoring to inform potential changes to the disposal strategy. • SNH welcome the proposal for a new bathymetric survey to be undertaken • EIAR should revise the current hydrodynamic modelling analysis undertaken in 2013. 		<p>Water Environment – the Coastal Processes Assessment is contained within Technical Appendix 11.2. The Sediment Transport Monitoring Plan is contained within Technical Appendix 11.3. Both of these Appendices have been informed by the National Coastal Change Assessment.</p> <p>The proposed Dredge Strategy is contained within Technical Appendix 3.9.</p> <p>The topographic and bathymetric survey is contained within Technical Appendix 11.3.</p>
Transport Scotland	No longer responds to EIA consultation in a statutory capacity	No consultation response provided	No action required
Scottish Water	No objection to application. No Scottish Water drinking catchments or water abstraction sources in the area. There is a Scottish water 250mm HPPE water main within the boundary of the site		No action required
British Shipping		No consultation response provided	No action required
Caledonian Maritime Assets Ltd		No consultation response provided	No action required
The Crown Estate Scotland		No consultation response provided	No action required
Defence Infrastructure Organisation		Confirmed that MOD has no objection to proposal	No action required
Historic Environment Scotland		Confirm that there is no need for an updated Cultural Heritage Assessment	No action required
Marine Scotland Fishery Office - Buckie		No comments on the proposal	No action required
Marine Scotland Planning and Policy		No consultation response provided	No action required
Maritime Coastguard Agency		<p>Confirmed that they anticipate potential increase to industrial marine traffic in this area, both during construction and operation.</p> <p>Requested inclusion of Shipping and Navigation Chapter in EIAR which should consider the potential impacts the work may have on vessels operating in the area, as well as maintaining the safety of navigation with appropriate risk mitigation measures.</p> <p>MCA has referenced Port Marine Safety Code and Associated Guide to Good Practice, British Standard Institution publication on Road Lighting and the Merchant Shipping Act 1995.</p>	A Shipping and Navigation Chapter has been prepared (Chapter 6). This has been prepared in accordance with the Port Marine Safety Code and relevant British Standards.
Marine Safety Forum		No consultation response provided	No action required

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Nairn River Community Council		No consultation response provided	No action required. It is noted that the relevant Community Council is the Ardersier and Petty Community Council. The Applicant consulted with the Community Council at the pre-application stage.
The Northern Lighthouse Board		Confirmed that they have no objection to proposal. Confirmed that they have been in discussion with Ardersier Port Ltd and have approved the establishment of a buoyed channel to mark the access seaward.	No action required
Royal Society for the Protection of Birds		<p>RSPB states that although some aspects have been scoped out by Marine Scotland and The Highland Council, in accordance with Schedule 4 of the EIA Regulations for the marine licencing system, the submitted EIA Report should describe 'all' the likely significant effects of the development on the environment.</p> <p>The EIAR should consider the possible impacts on the special interests of the :</p> <ul style="list-style-type: none"> • Inner Moray Firth SPA and Ramsar Site – birds • Moray Firth Ramsar Site • Moray Firth SAC (dolphins) • Moray Firth SAC (subtidal sandbanks) • Whiteness Head SSSI • Moray Firth Proposed Special Protection Area <p>The EIAR should include:</p> <ul style="list-style-type: none"> • Detailed bird surveys – at least 2 years • Detailed description of project and effects on areas of special interest • Detailed description of mitigation measures • A detailed dredge plan • Details of measures to protect the long-term feeding and roosting functions for SPA and pSPA wintering shorebirds • Complete and impartial report to inform the appropriate assessment 	<p>The potential effects of the Proposed Development on areas of special interest is contained within Chapters 7: Terrestrial Ecology and Ornithology and 8: Marine Ecology.</p> <p>Details of the bird surveys undertaken is contained within Technical Appendices 7.1 and 7.5.</p> <p>The proposed dredge strategy is contained within Technical Appendix 3.9.</p>
The Royal Yachting Association		Agreed that recreational boating can be scoped out of EIAR	No action required
Scottish Fishermen's Federation		No consultation response provided	No action required
Scottish Wildlife Trust		No consultation response provided	No action required
UK Chamber of Shipping		No consultation response provided	No action required
Whale and Dolphin Conservation		No consultation response provided	No action required
Marine Scotland Science		MSS welcomes the review of existing information on diadromous fish.	The Marine Ecology Chapter (Chapter 8) contains an assessment of potential effects on diadromous fish. This Chapter has been prepared in accordance with the relevant

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		Relevant legislation is the Salmon and Freshwater Fisheries (consolidation)(Scotland) Act 2003 (as amended).. Consideration should be given to River Moriston SAC	legislation and considers potential effects on the River Moriston SAC.