

MARINE DIRECTORATE - LICENSING OPERATIONS TEAM'S  
ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR  
DESIGNATED SPECIAL AREAS OF CONSERVATION AND SPECIAL  
PROTECTION AREAS IN VIEW OF THE SITES' CONSERVATION  
OBJECTIVES.

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT  
2010 FOR CONSTRUCTION OF INNER DOCK QUAY

SITE DETAILS: PORT OF NIGG

<b>Name</b>	<b>Assessor or Approver</b>	<b>Date</b>
Maureen McIntyre	Assessor	15/10/2024
Robert McMorran	Approver	27/02/2025

## TABLE OF CONTENTS

<b>SECTION 1: BACKGROUND</b> .....	<b>2</b>
1 Appropriate assessment conclusion .....	2
2 Introduction .....	2
3 Details of proposed project .....	2
4 Consultation .....	3
5 Main points raised during consultation .....	4
<b>SECTION 2: INFORMATION ON EUROPEAN SITES</b> .....	<b>4</b>
6 Background information and qualifying interests for the relevant European sites .....	4
<b>SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &amp;C.) REGULATIONS 1994</b> .....	<b>7</b>
7 Requirement for appropriate assessment .....	7
8 Appropriate assessment of the implications for the site in view of the site's conservation objectives. ....	8
9 In combination assessment .....	10
10 MD-LOT conclusion .....	20
<b>SECTION 4: CONDITIONS</b> .....	<b>20</b>
11 Requirement for conditions .....	20

## LIST OF TABLES

Table 1 Name of European sites affected and relevant links to SiteLink .....	4
Table 2 Qualifying interests .....	4
Table 3 Conservation objectives .....	6
Table 4: Dredging operations identified as having a likely significant effect on Moray Firth SAC and Moray Firth SPA a designated site also affected by the Global Energy Nigg Ltd proposal .....	15

## **SECTION 1: BACKGROUND**

### **1 Appropriate assessment conclusion**

- 1.1 This Appropriate Assessment (“AA”) concludes that there will be no adverse effect on the site integrity of the Moray Firth Special Area of Conservation (“SAC”), Dornoch Firth and Morrich More SAC, Cromarty Firth Special Protection Area (“SPA”) and Moray Firth SPA, from the Global Energy Nigg Ltd proposal either in isolation or in combination with other plans or projects, providing that the conditions set out in Section 4 are complied with.
- 1.2 Marine Directorate – Licensing Operations Team (“MD-LOT”) considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the Global Energy Nigg Ltd proposal will not adversely affect the integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA and is satisfied that no reasonable scientific doubt remains.

### **2 Introduction**

- 2.1 This is a record of the AA undertaken by MD-LOT in regard to the Global Energy Nigg Ltd proposal to construct a new inner dock and associated works as required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”). MD-LOT, as the 'competent authority' under the 1994 Habitats Regulations, has to be satisfied that the project will not adversely affect the integrity of any European site (special areas of conservation and special protection areas), either alone or in combination with other plans or projects, before it can grant consent for the project.
- 2.2 NatureScot, operating name of Scottish Natural Heritage, has been consulted in accordance with Regulation 48(3) of the Conservation (Natural Habitats, &c.) Regulations 1994.

### **3 Details of proposed project**

- 3.1 Global Energy Nigg Ltd is within the boundary of the Inverness and Cromarty Green Freeport, a tax and customs site designed to attract investment. The proposed works are to modify the existing rock armour revetment to provide a quay that is suitable for ship berthing. The berthing will support operations of a proposed High Voltage (“HV”) cable manufacturing factory situated to the east of Nigg Energy Park. A planning application is currently under consideration with Highland Council. The intention is to use the inner dock to transport the HV cables from the factory direct to installation vessels.

- 3.2 The Works were anticipated to commence January 2025, informed pre-works and engineering until June 2025, followed by construction to completion in June 2027. The Works will be carried out as one continuous delivery programme. Construction materials will be brought to the site by sea and road. Construction materials arriving by sea will primarily be the tubular steel piles.

### **Site Clearance and demolition of revetment**

- 3.3 Initial work will be undertaken to clear the site and demolish the existing revetment with the excavated material, approximately 2000 metres cubed (“m3”), crushed and stored for future use. The toe of the existing revetment will be excavated using a long reach excavator generating 23,100 m<sup>3</sup> of material, a mix of sand and crushed rock. The sand will be re used as infill material with the remainder retained for future use or disposed above Mean High Water Springs (“MHWS”) to an approved site.

### **Construction of temporary working platform**

- 3.4 A temporary working platform will be constructed using locally sourced clean crushed rock to provide a sufficient space for the free movement of material and equipment. A long reach excavator based on the existing land, will place the material comprising of 129,735 m<sup>3</sup> imported crushed rock to create a stone bund.

### **Construction of quayside with main pile wall and anchor wall**

- 3.5 Working from the temporary platform, a rotary rig will simultaneously install piles at 3 metres (“m”), spaced along the top of the existing revetment (anchor wall), 35m back from the location of the main pile wall. The piles will form the length of the front quay wall, totalling 290 m by 36 m wide.
- 3.6 Following this the installation of the piles forming the main pile wall will commence, in sections, followed by tie rod installation 1.5 m above Mean Low Water Springs. On completion of each section of tie rods the ground level will be brought to the desired height and process repeated until all the tie rods have been installed and effectively tensioned, the temporary working platform will be removed in sections and incorporated into infill.
- 3.7 Once complete, these works will allow for the installation of the cope beam above MHWS and associated terrestrial works to be completed.

## **4 Consultation**

- 4.1 NatureScot (“NS”) were consulted on the 23 September 2024 and responded on the 4 October 2024.

## 5 Main points raised during consultation

- 5.1 NatureScot advised that the works would likely have a significant effect on the subtidal sandbanks and Bottlenose dolphin of the Moray Firth SAC, Bottlenose dolphin and harbour seal of the Dornoch Firth and Morrich More SAC, the Intertidal and subtidal waterfowl (Red-breasted merganser and Scaup), and Common tern of the Cromarty Firth SPA and the marine waterbirds of the Moray Firth SPA and advised that an AA was required.

## SECTION 2: INFORMATION ON EUROPEAN SITES

### 6 Background information and qualifying interests for the relevant European sites

- 6.1 This section provides links to the NatureScot SiteLink website (“SiteLink”) where the background information on the sites being considered in this assessment is available. The qualifying interests for the sites are listed as are the conservation objectives.

**Table 1 Name of European sites affected and relevant links to SiteLink**

<p><b><u>Moray Firth SAC</u></b> <a href="https://sitelink.nature.scot/site/8327">https://sitelink.nature.scot/site/8327</a></p> <p><b><u>Dornoch Firth and Morrich More SAC</u></b> <a href="https://sitelink.nature.scot/site/8242">https://sitelink.nature.scot/site/8242</a></p> <p><b><u>Cromarty Firth SPA</u></b> <a href="https://sitelink.nature.scot/site/8488">https://sitelink.nature.scot/site/8488</a></p> <p><b><u>Moray Firth SPA</u></b> <a href="https://sitelink.nature.scot/site/10490">https://sitelink.nature.scot/site/10490</a></p>
---

**Table 2 Qualifying interests**

<p><b><u>Moray Firth SAC</u></b></p> <ul style="list-style-type: none"><li>• Bottlenose dolphin (<i>Tursiops truncatus</i>)</li><li>• Subtidal Sandbanks</li></ul> <p><b><u>Dornoch Firth and Morrich More SAC</u></b></p> <ul style="list-style-type: none"><li>• Atlantic salt meadows</li></ul>
--

- Coastal dune heathland
- Dune grassland
- Dunes with juniper thickets
- Estuaries
- Glasswort and other annuals colonising mud and sand
- Harbour seal (*Phoca vitulina*)
- Humid dune slacks
- Intertidal mudflats and sandflats
- Lime-deficient dune heathland with crowberry
- Otter (*Lutra lutra*)
- Reefs
- Shifting dunes
- Shifting dunes with marram
- Subtidal sandbanks

#### **Cromarty Firth SPA**

- Bar-tailed godwit (*Limosa lapponica*), non-breeding
- Common tern (*Sterna hirundo*), breeding
- Curlew (*Numenius arquata*), non-breeding
- Dunlin (*Calidris alpina alpina*), non-breeding
- Greylag goose (*Anser anser*), non-breeding
- Knot (*Calidris canutus*), non-breeding
- Osprey (*Pandion haliaetus*), breeding
- Pintail (*Anas acuta*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Redshank (*tringa tetanus*), non-breeding
- Scaup (*Aythya marila*), non-breeding
- Waterfowl assemblage, non-breeding
- Whooper swan (*Cygnus cygnus*), non-breeding
- Wigeon (*Anas Penelope*), non-breeding

#### **Moray Firth SPA**

- Shag (*Phalacrocorax aristotelis*), breeding
- Common scoter (*Melanitta nigra*), non-breeding
- Eider (*Somateria mollissima*), non-breeding
- Goldeneye (*Bucephala clangula*), non-breeding
- Great northern diver (*Gavia immer*), non-breeding
- Long-tailed duck (*Clangula hyemalis*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Red-throated diver (*Gavia stellata*), non-breeding
- Scaup (*Aythya marila*), non-breeding
- Shag (*Phalacrocorax aristotelis*), non-breeding
- Slavonian grebe (*Podiceps auritus*), non-breeding
- Velvet scoter (*Melanitta fusca*), non-breeding

**Table 3 Conservation objectives**

<p><b><u>Moray Firth SAC</u></b></p> <p>To ensure that the qualifying features of Moray Firth SAC are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status. To ensure that the integrity of Moray Firth SAC is maintained or restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:</p> <p><b>For subtidal sandbanks</b></p> <p>2a. Extent and distribution of the habitat within the site. 2b. Structure and function of the habitat and the supporting environment on which it relies. 2c. Distribution and viability of typical species of the habitat.</p> <p><b>For bottlenose dolphin</b></p> <p>2a. The population of bottlenose dolphin is a viable component of the site. 2b. The distribution of bottlenose dolphin throughout the site is maintained by avoiding significant disturbance. 2c. The supporting habitats and processes relevant to bottlenose dolphin and the availability of prey for bottlenose dolphin are maintained.</p> <p><b><u>Dornoch Firth and Morrich More SAC</u></b></p> <p>To avoid deterioration of the qualifying habitat (listed above) thus ensuring that the integrity of the site is maintained, and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitat that the following are maintained in the long term:</p> <ul style="list-style-type: none"><li>• Extent of the habitat on site</li><li>• Distribution of the habitat within site</li><li>• Structure and function of the habitat</li><li>• Processes supporting the habitat</li><li>• Distribution of typical species of the habitat</li><li>• Viability of typical species as components of the habitat</li><li>• No significant disturbance of typical species of the habitat</li></ul> <p><b><u>Cromarty Firth SPA</u></b></p> <p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"><li>• Population of the species as a viable component of the site</li></ul>
---

- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

### **Moray Firth SPA**

To ensure that the qualifying features of the Moray Firth SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.

To ensure that the integrity of Moray Firth SAC is maintained or restored in the context of environmental changes by meeting the below objectives for each qualifying feature:

For subtidal sandbanks

- Extent and distribution of the habitat within the site.
- Structure and function of the habitat and the supporting environment on which it relies.
- Distribution and viability of typical species of the habitat.

For bottlenose dolphin

- The population of bottlenose dolphin is a viable component of the site.
- The distribution of bottlenose dolphin throughout the site is maintained by avoiding significant disturbance.
- The supporting habitats and processes relevant to bottlenose dolphin and the
- availability of prey for bottlenose dolphin are maintained.

## **SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994**

### **7 Requirement for appropriate assessment**

- 7.1 Is the project directly connected with or necessary to the conservation management of the site(s)?



The project is not directly connected with or necessary to the conservation management of the site.

## 7.2 Is the project likely to have a significant effect on the qualifying interest(s)?

In its response dated 4 October 2024, NatureScot advised that the proposal is likely to have a significant effect on the subtidal sandbanks qualifying interests of the Moray Firth SAC due to the possibility of the construction works introducing non-native species affecting the subtidal habitats as well as disturbance to the Bottlenose Dolphin qualifying feature of the Moray Firth SAC.

NatureScot advised that the proposal is likely to have a significant effect on the harbour seal qualifying interest of the Dornoch Firth and Morrich More SAC as there is connectivity between the construction operation and the SAC and disturbance to the qualifying interest was highlighted.

Nature Scot also advised that the proposal is likely to have a significant effect on several of the qualifying interests of the Cromarty Firth SPA due to the possibility of the construction works introducing non-native species to the habitat affecting the intertidal and subtidal waterfowl as well as disturbance from the construction and operations from the proposal affecting the common tern.

NatureScot further advised the marine waterbirds, qualifying feature of the Moray Firth SPA could be affected by the construction through disturbance for waterbirds that temporarily frequent the subtidal channel close to the construction area.

MD-LOT agrees with NatureScot's advice and has undertaken an AA for the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA, and Moray Firth SPA

## 8 **Appropriate assessment of the implications for the site in view of the site's conservation objectives.**

### 8.1 **Moray Firth SAC**

NatureScot advised that whilst the possibility exists of non-native species being introduced and the subtidal sandbanks being affected, a competent biosecurity plan should be drawn up for approval by NatureScot and the Marine Directorate. This biosecurity plan should adopt the best practice methods outlined in NatureScot's scoping advice dated 18<sup>th</sup> March 2024. NatureScot is of the view that this is sufficient to ensure that there is no adverse effect on the integrity of the site for the subtidal sandbank feature of this site. Additionally, NatureScot advised that, provided the works are carried on in line with a suitably approved Marine Mammal Protection Plan ("MMPP") then the proposal should not adversely impact the integrity of the site. The

submission and adherence to the biosecurity plan and MMPP will be conditioned through the licence.

## **8.2 Dornoch Firth and Morrich More SAC**

NatureScot advised that the harbour seal of the Moray Firth SAC and bottlenose dolphin of the Dornoch Firth and Morrich More SAC may be affected by disturbance of the proposed construction however a MMPP, informed by best practice and approved by NatureScot and Marine Directorate in advance of construction will help to reduce disturbance effects and should not adversely affect the integrity of the sites. The submission and adherence to the MMPP will be conditioned through the licence.

## **8.3 Cromarty Firth SPA**

NatureScot advised that the intertidal and subtidal waterbirds may be affected by the introduction of non-native species affecting the subtidal habitat however a competent Biosecurity Plan should be drawn up for approval by NatureScot and the Marine Directorate. This biosecurity plan should, adopt the best practice methods outlined in NatureScot's scoping advice dated 18<sup>th</sup> March 2024 . NatureScot is of the view that if the proposal is carried out in strict accordance with the plan, then this is sufficient to mitigate the risk, and the proposal should not adversely affect the integrity of the site. NatureScot also identified disturbance effects on foraging subtidal waterbirds however considered the visual and disturbance effects would not undermine the viability of these SPA populations as the location was not favoured for sustained foraging of subtidal waterbirds. NatureScot advised that the proposals would affect the Common Tern through disturbance from the construction and operation activity however, a Breeding Bird Protection Plan for common terns, approved by NatureScot and Marine Directorate prior to the commencement of construction and adherence to the approved plan will ensure the proposal will not adversely affect the site integrity. The submission and adherence to the biosecurity plan will be conditioned through the licence.

## **8.4 Moray Firth SPA**

NatureScot advised that the marine waterbirds of this SPA may be affected by disturbance from the proposal however these are considered minor as there are nearby favoured foraging areas available and the waterbirds may indirectly benefit from the approved Biosecurity Plan and the proposal will not adversely affect the integrity of the site.

8.5 MD-LOT concurs with the conclusion of NatureScot that there will be no adverse effect on the qualifying interests of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA provided adherence to the approved Biosecurity Plan, MMPP and the Breeding Bird Protection Plan as conditioned in Section 4.

## 9 In combination assessment

- 9.1 MD-LOT has carried out an in combination assessment to ascertain whether the Global Energy Nigg Ltd proposal will have a cumulative effect with other plans or projects which, in combination, would have the potential to affect the qualifying interests of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA.
- 9.2 The following projects currently have an active marine licence, section 36 consent or European protected species licence and associated AA which identified a likely significant effect on the qualifying interests of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA.
- 9.3 Project under consideration – Eastern Inner Dock, Port of Nigg  
Creation of an Inner berth to existing dock to provide a quay suitable for ship berthing. New quay - 290 metres long and 36 metres wide. The works will take approximately two years to complete, the anticipated start dates for work is Jan 2025.
- 9.4 National Gas Transmission Autonomous Underwater Vehicle (“AUV”) Survey  
As yet unlicensed application for the Inspection of the gas pipeline between East Lothian and Largo Bay in the Firth of Forth, and between Tentsmuir Point and Monifieth Beach in the Firth of Tay. The survey is anticipated to take two weeks to complete, the licence period ends on the 3 November 2024.
- 9.5 EPS Beatrice Offshore Wind Farm  
Benthic and geophysical surveys for approximately 4 months per year from 1 January 2024 to 31 December 2027. Beatrice OWF became fully operational in June 2019.
- 9.6 BEAR Scotland - Bridge Maintenance Works - Kessock Bridge, Inverness-shire  
This marine licence covers routine maintenance activities to be carried out on the bridge over a period of 5 years. All works will be highly localised and take place within the immediate vicinity of the bridge. With the exception of scour repairs and fender replacement, all maintenance activities will take place above mean high water springs. In most cases, activity duration is likely to be less than three months and for several activities, duration will be less than a few weeks. The exception being the painting of the superstructure which will take approximately 4 years to complete. Further information regarding the project can be found [here](#).
- 9.7 Beatrice Offshore Wind Farm  
The wind farm is located in the outer Moray Firth 13.5 km from the Caithness coast. The total area of the development is 131.5 km<sup>2</sup>. The development will comprise of 84 turbines. The eastern edge of the development site is adjacent to the proposed Moray

Firth Offshore Renewables Limited Eastern Development Area. The operational lifespan of the wind farm is expected to be 25 years. Construction started in April 2017 and the final turbine was installed in May 2019.

Further information regarding the development can be found [here](#).

9.8 Berwick Bank Offshore Wind Farm

As yet unlicensed application for the Construction and Operation of an offshore windfarm approximately 47 kilometres from East Lothian coastline consisting of up to 307 wind turbine generators covering an area of 1,010 kilometre squared.

9.9 Berwick Bank Offshore Wind Farm Part 1

As yet unlicensed application for offshore transmission infrastructure for up to eight offshore substation platforms, interconnector cables, up to eight offshore export cables and associated scour and rock protection

9.10 Berwick Bank Offshore Wind Farm Part 2

As yet unlicensed application for offshore transmission infrastructure for the Berwick Bank Offshore Wind Farm, comprising two offshore substation platforms and an interconnector cable

9.11 Flora Offshore Wind Farm Proposed Export Cable Corridor and Array Survey

Geophysical survey of Flora Offshore Wind Farm array area and export cable corridor. Surveys due to be complete by 31 May 2028.

9.12 Cerulean Winds Aspen Array Area and Offshore Demand Cable Corridor

Geophysical, geotechnical and benthic survey using USB, sub bottom and ultra high resolution seismic; multibeam echosounder; and side scan sonar.

9.13 Chrysaor (UK) Britannia Limited - Geophysical Survey - St Fergus, Aberdeenshire - EPS

Geophysical survey of PL1270 gas pipeline. Licence issued 12 September 2024 and end on the 12 September 2025, the survey is scheduled to be completed within a single campaign carried out over 7 days and is expected to be carried out before 31 May 2025.

9.14 Construction of Headwall and Tidal Flap, Lentrans, Inverness

Repair work to existing headwall and tidal flap at Lentrans. Works area will be approximately 3 square metres. Completion of activities will be within 4 months of the licence issued date.

9.15 Bear Scotland - Bridge Maintenance Works Cromarty Inverness-shire

Bridge maintenance works, proposal to remove the limit of 6 pier per year scour protection works permitting scout repairs to an unlimited number of piers. The licence

is due to expire on 31 March 2026. The licence was conditioned to ensure no works within 250m of the common tern breeding colony between 01 April and 01 August inclusive and all works lighting kept to a minimum and is directed only at the area being worked on at the time.

- 9.16 Cromarty Mussels – Shellfish farm – Cromarty Bay West, Cromarty Firth  
Cromarty Mussels' shellfish farm consists of 3 longlines for mussels each 1,000 metres x 2 metres and 24,000 oyster trestles each 3 metres x 1 metre in Cromarty Bay West, Cromarty Firth.
- 9.17 Firthside Ltd - Diffuser Installation - Invergordon Distillery, Invergordon  
Installation of an outfall diffuser on existing long sea outfall. Installation is projected to take approximately 2 weeks and is scheduled to take place between April and October 2023, licence date ends in 2026.
- 9.18 Forthwind Demonstration Project  
Construction of a single test and demonstration offshore wind turbine with an installed capacity of 20 Megawatt, as well as a metmast, located approximately 1.5 kilometres sea ward of MHWS level of the northern shore of the Firth of Forth at Methil, Scotland.
- 9.19 Green Volt Offshore Wind Farm and Associated Transmission Infrastructure  
As yet unlicensed application consists of up to 35 WTGs 80 km off the Aberdeenshire coast with a cable to landfall near Peterhead and another export cable to the Buzzard platform. Construction is due to commence in 2027 with the project becoming operational in the late 2020' s
- 9.20 Inch Cape Offshore Wind Farm (revised design)  
Construction and operation of a wind farm and associated transmission infrastructure 15-22 km east of the Angus coastline. The wind farm will consist of a maximum of 72 wind turbines, with up to two offshore substation platforms and up to two export cables making landfall at Cockenzie, East Lothian. Construction has not yet started; however, activities are anticipated to commence mid-2025 and take approximately 24 months over a 3 year period.  
Further information on the project can be found [here](#).
- 9.21 Inch Cape Offshore Windfarm Export Cable Corridor and Generating Station - Geophysical survey  
Geophysical surveys using multibeam echo sounder, side scan sonar, single beam echo sounder, sub bottom profiler and ultra short baseline. Surveys are anticipated to commence 1 August 2024, take 140 days in total and be complete by 31 May 2025.
- 9.22 Inch Cape Offshore Windfarm - UXO Clearance

Pre-construction UXO clearance of the array and export cable corridor for Inch Cape Offshore Windfarm between Quarter 4 2024 and Quarter 2 2025. It is anticipated that a maximum of 85 UXO targets will require clearance, with 75 using low order clearance methods and up to 10 requiring high order clearance. Licence issued 3 October 2024 ending 30 June 2025.

9.23 Installation of new long sea outfall, Spey Bay

Construction of a long sea outfall of approximately 1.9 kilometres in length to discharge effluent from a distillery into the Moray Firth. Land based trenching will be carried out in the nearshore intertidal section and the subtidal section will be trenched using marine plant, likely a back-hoe dredger. Material removed during trenching will be stockpiled adjacent to the trench to be used as backfill once the pipe and diffusers are installed. Anti-scour rock mattresses will be used to protect the diffusers. A temporary mooring buoy will be used to attach to the pipes in a storage area until they are required during the construction process. This buoy will be removed at the end of the construction process. The marine licence has been granted for the period 23 December 2022 to 30 September 2025.

Further information on the project can be found [here](#).

9.24 Leith Outer Berth – Additional Works

Extension and expansion at the Port of Leith Outer Berth including construction of a retaining wall and a capital dredge and deposit as detailed in Table 4. Construction licence starts on the 15 June 2024 ending 31 December 2026.

9.25 Moray East Offshore Wind Farm

The current design envelope is for a maximum generating capacity of up to 1,116 megawatt and for a maximum of 186 wind turbines. The proposals are located on the Smith Bank in the outer Moray Firth (approximately 22 km from the Caithness coastline, in water depths of 38 – 57 m). The operational lifespan of the wind farms is expected to be 25 years. The three proposed wind farm sites: the Telford, Stevenson and MacColl wind farms lie within the Eastern Development Area, part of Zone 1 of Round 3 leasing agreements in the UK Renewable Energy Zone. Substructure and foundation design for the wind turbines will consist of either a mixture of, or one design option of: concrete gravity base foundation with ballast and a gravel/grout bed, or steel lattice jackets with pin piles. Construction work is now complete.

9.26 Moray West Offshore Wind Farm

The wind farm is located 22.5 km southeast off the Caithness coastline. The operational lifespan of the project is expected to be 25 years. The project covers a total area of approximately 225 square km and will be comprised of no more than 85 wind turbines with a maximum generating capacity of around 850 megawatts, along with associated offshore transmission infrastructure.

9.27 Moray West Offshore Windfarm- UXO clearance



Whilst all known UXO have already been cleared from the within the Moray West array area and Export Cable Corridor, there remains the potential for previously unidentified UXO to be encountered. If during construction further unexploded UXO device are detected these shall be disposed of using low order deflagration techniques. As this relates to, as yet undetected devices Moray (West) Offshore Wind Limited has specified 20 as the maximum the number of low order deflagration attempts and the size of the donor charges as 0.25 kilograms rather than specifying the maximum number of UXO that may be cleared.

- 9.28 Morven Offshore Wind Farm - Geophysical Surveys of Export Cable Site  
Geophysical surveys using MBES, Side scan sonar, Sub bottom profiler and Ultra short baseline. Noise-generating activity will last for a maximum of 60 days. Licence ends 17 July 2025
- 9.29 Nairn Golf Club Sea defence repairs.  
Repair works to the rock armour which provides flood protection along the coastal perimeter of the golf course. A 4520 square metre ribbon area along the foreshore where a maximum of 4000 tonnes of rock armour boulders will be deposited. Licence ends 16 June 2025.
- 9.30 National Gas Transmission (Per Charthouse Marine): Geophysical Surveys - Forth & Tay Estuaries  
Trial of new Autonomous Underwater Vehicle for use in geophysical surveys of gas pipeline in Firth of Forth and River Tay. Licence ends 1 May 2025.
- 9.31 Neart na Gaoithe Offshore Wind Farm (revised design)  
A maximum of 54 WTGs will be installed 15-22 km from the Angus coastline. The project is currently under construction and is due to complete construction July 2025  
<https://marine.gov.scot/ml/neart-na-gaoithe-offshore-wind-farm-revised-design>.  
Licence issued 7 June 2019 ending 31 December 2071.
- 9.32 NnGOWL Windfarm and Export Cable Corridor construction EPS licence  
Variation to extend the existing EPS licence which relates to construction activities at the NnG Wind Farm and Export Cable Corridor. These activities include: export and inter-array cable installation; rock placement for cable protection; use of USBL positioning devices and vessel activity during construction. Additionally, geophysical surveys will be undertaken utilising the following equipment: Multi-Beam Echosounder; Side-Scan Sonar; Sub-bottom profiler; and Very High Frequency Obstacle Sonar.
- 9.33 Pentland Floating Offshore Wind Farm – Generating Stations and Cables  
A floating offshore windfarm with an installed capacity of around 100 megawatts within the Pentland Firth, approximately 7.5 km seaward of MHWS at Dounreay, Caithness. The windfarm will consist of up to 6 floating offshore wind turbine structures and

associated floating substructures. Offshore construction activities are anticipated to commence in 2027. Project will take 14 months to complete and will be operational for a period of 25 years.

9.34 Seagreen Offshore Transmission Asset Final Construction and Operations and Maintenance Activities

Phase 1 of the Seagreen development was commissioned in October 2023. Seagreen now propose to complete the landfall duct burial, which is the final remaining construction campaign associated with the offshore transmission assets (“OTA”) and also propose to undertake operation and maintenance activities associated with the OTA. This is to include routine inspection and maintenance activities as well as some unscheduled activities which may be required to carry out repairs or other remedial works to return the assets to a serviceable condition. High-resolution geo survey, positioning and communication equipment is required to undertake such activities. The proposed activities are expected to take place over a three year period with a total duration anticipated to be up to five months in 2024 (including up to three months of landfall duct works). With a potential sale to an Offshore Transmission Owner after 2024, activities are uncertain but would not exceed two months in 2025 and 2026. The geographic scope of activities includes the entire OTA, encompassing the Export Cable Corridor, and also extending into the offshore windfarm site, within which the Offshore Substation Platform is located.

9.35 **Dredging Operations**

9.35.1 There are a number of dredging operations which were identified as having a likely significant effect on the Moray Firth SAC and Moray Firth SPA designated site which could also be affected by the Global Energy Nigg Ltd proposal. The table below summarises these projects.

**Table 4: Dredging operations identified as having a likely significant effect on Moray Firth SAC and Moray Firth SPA a designated site also affected by the Global Energy Nigg Ltd proposal**

Location of Dredge	Licensee	Amount of Dredge Material	Dredge Spoil Deposit Area	Dates of Licence	Designated Site
Aberdeen North and South Harbour	Aberdeen Harbour Board	428,500 wet tonnes	Aberdeen (CR110)	1 February 2023 to 31 January 2026	Moray Firth SAC
Arbroath Harbour	Angus Council	20640 wet tonnes	F0020	28 September 2024 to 27	Moray Firth SAC



				September 2027	
Ardersier Port	Ardersier Port (Scotland) Ltd	8,600,000 wet tonnes	Whiteness Head Spit	15 March 2024 to 30 September 2025	Moray Firth SAC
Cullen Harbour	Moray Council	7000 wet tonnes	Buckie (CR040)	9 February 2024 to 9 February 2027	Moray Firth SAC
Port of Kirkcaldy	Forth Ports	63,000 wet tonnes of material	Kirkcaldy FO045	22 December 2024 to 21 December 2027	Moray Firth SAC
Port of Kirkcaldy	Forth Ports	63,000 wet tonnes of material over 3 years	Narrow B	22 December 2024 to 21 December 2027	Moray Firth SAC
Leith Approach and Leith Outer Berth	Forth Ports	130,000 wet tonnes over three years	Narrow Deep B	15 June 2024 to 31 December 2026	Moray Firth SAC
Port of Leith	Forth Ports	260,000 wet tonnes of maintenance dredgings over 3 years	Narrow Deep B	3 December 2024 until 2 December 2027	Moray Firth SAC
Buckie Harbour	Buckie Harbour	168,000 wet tonnes	Buckie CR040	16 January 2024 to 15 January 2027	Moray Firth SAC
Burghead Harbour	Moray Council	60,000 wet tonnes	Burghead (CR030)	16 March 2024 to 15 March 2027	Moray Firth SPA
Findochty Harbour	Moray Council	21,000 wet tonnes	Buckie (CR040)	24 July 2023 to 23 July 2026	Moray Firth SPA & SAC
Hopeman Harbour	Moray Council	21,000 Wet Tonnes	Burghead (CR030)	7 February 2024 to 6 February 2027	Moray Firth SAC
Portnockie Harbour	Moray Council	21,000 Wet Tonnes	Buckie (CR040)	7 February 2024 to 6 February 2027	Moray Firth SPA

				February 2027	
--	--	--	--	------------------	--

### 9.36 **Assessment of in combination effects on the Moray Firth SAC**

There are potential in combination effects in respect of the following projects:

- Dredging Activities – detailed at table 4
- National Gas Transmission Autonomous Underwater Vehicle (“AUV”) Survey
- BEAR Scotland - Bridge Maintenance Works - Kessock Bridge, Inverness-shire
- Beatrice Offshore Wind Farm – EPS
- **Berwick Bank Offshore Wind Farm**
- Chrysaor (UK) Britannia Limited - Geophysical Survey - St Fergus, Aberdeenshire - EPS Application
- Forthwind Demonstration Project
- **Green Volt Offshore Wind Farm and Associated Transmission Infrastructure**
- Inch Cape Offshore Wind Farm (revised design)
- Inch Cape Offshore Windfarm Export Cable Corridor and Generating Station Geophysical survey
- Inch Cape Offshore Windfarm - UXO Clearance
- Installation of new long sea outfall, Spey Bay
- Leith Outer Berth – Additional Works
- Moray East Offshore Wind Farm
- Moray West Offshore Wind Farm
- Moray West Offshore Windfarm- UXO clearance
- Morven Offshore Wind Farm - Geophysical Surveys of Export Cable Site
- Nairn Golf Club Sea defence repairs.
- Neart na Gaoithe Offshore Wind Farm (revised design)
- NnGOWL Windfarm and Export Cable Corridor construction EPS licence
- Pentland Floating Offshore Wind Farm
- Seagreen Offshore Transmission Asset Final Construction and Operations and Maintenance Activities

There projects highlighted in red are not, as yet, licenced but have had appropriate assessments completed and as such have been listed for completeness. There is unlikely to be a temporal overlap with the construction of the Berwick Bank Offshore Windfarm. The Green Volt proposal isn't due to commence until 2027 therefore in combination effects are unlikely.

There is potential for the proposal to have in-combination effects with the various dredging activities. The majority of the dredges relate to capital/ maintenance dredges for the respective ports and harbour authorities. Forth Ports dredges, Kirkcaldy and Leith, are coordinated to reduce temporal overlap. There are also a number of differing deposit sites being utilised. The Buckie, Burghead, Findochty, Hopeman and Portnockie dredge licence are conditioned to ensure a Marine Mammal Observer is present during dredging activities reducing any in combination effects.

The pathway for effect on the qualifying interest identified by NatureScot was the possibility of non-native species being introduced and the subtidal sandbanks being affected, whereas the impact pathways for the offshore energy projects noise, disturbance and displacement, in such cases there will be no in combination effects. NatureScot further advised that the Bottlenose Dolphin may be subject to disturbance as a result of the proposal much in the same way for the offshore energy projects however a Marine Mammal Protection Plan conditioned for the Nigg Energy Ltd proposal will reduce in combination effects.

The Chrysaor (UK), Geophysical Survey - St Fergus, Aberdeenshire is of a very short duration, (7 days), and is conditioned to have a Marine Mammal Observer during the duration of works and delay licenced activities by at least 20 minutes should any cetaceans or seals be observed within a 500 metre mitigation zone.

However, whilst any in combination effects with remaining projects are possible, providing conditions in their respective AA's are adhered to, such impacts will not adversely affect the site integrity of the Moray Firth SAC.

### **9.37 Assessment of in combination effects on the Dornoch Firth and Morrich More SAC**

There are potential in combination effects in respect of the following projects:

- BEAR Scotland - Bridge Maintenance Works - Kessock Bridge, Inverness-shire
- Beatrice Offshore Windfarm
- Moray East Offshore Wind Farm
- Moray West Offshore Wind Farm
- Moray West Offshore Windfarm- UXO clearance

NatureScot advised that disturbance a Marine Mammal Protection Plan would reduce the disturbance effects on the Harbour Seal qualifying interest. The Moray East Offshore Windfarm disturbance was during construction only, as this project is complete there is no in combination effect.

The Moray West Offshore Windfarm- UXO clearance project was subject of a condition to ensure work was carried out in strict adherence to mitigation measures, this combined with the requirement for a Marine Mammal Protection Plan for the Nigg Proposal reduces any in combination effects.

However, whilst any in combination effects with remaining projects are possible, providing conditions in their respective AA's are adhered to, such impacts will not adversely affect the site integrity of the Dornoch Firth and Morrich More SAC.

### **9.38 Assessment of in combination effects on the Cromarty Firth SPA**

There are potential in combination effects in respect of the following projects:

- Bear Scotland - Bridge Maintenance Works Cromarty Inverness-shire
- Cromarty Mussels - New Shellfish Farm - Cromarty Bay West, Cromarty Firth
- Firthside Ltd - Diffuser Installation - Invergordon Distillery, Invergordon

The Cromarty Bridge maintenance has been ongoing May 2022 and if undertaken in line with the licence conditions there will be no adverse effect and in-combination effects are unlikely. The Cromarty Mussels Shellfish farm has been operational since 2023 and again subject to licence conditions and therefore in-combination effects are unlikely. The Firthside Diffuser project whilst licenced from the 28 June 2023 until the 28 June 2026 is expected to take a two week period to complete, a temporal overlap between the projects is unlikely as are any in combination effects.

Any in combination effects possible from each proposal will be managed by the respective conditions ensuring that impacts will not adversely affect the site integrity of the Cromarty Firth SPA.

### **9.39 Assessment of in combination effects on the Moray Firth SPA**

There are potential in combination effects in respect of the following projects:

- Dredging Activities – detailed at table 4
- BEAR Scotland - Bridge Maintenance Works - Kessock Bridge, Inverness-shire
- Moray West Offshore Wind Farm
- National Gas Transmission (Per Charthouse Marine): Geophysical Surveys - Forth & Tay Estuaries

There is potential for the proposal to have in-combination effects with the various dredging activities. The majority of the dredges relate to capital/ maintenance

dredges for the respective ports and harbour authorities. The Buckie, Burghead, Findochty, Hopeman and Portnockie dredge licence are conditioned to ensure a Marine Mammal Observer is present during dredging activities reducing any in combination effects and three differing disposal sites being utilised for the deposit of the material at sea.

The National Gas Transmission survey licence ends before the intended construction works commence so the in combination effects are limited to a very brief timescale.

Any in combination effects with remaining projects are possible, providing conditions in their respective AA's are adhered to, such impacts will not adversely affect the site integrity of the Moray Firth SPA.

## **10 MD-LOT conclusion**

MD-LOT concludes that providing the conditions listed in Section 4 are adhered to, there will be no adverse effect on the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA from the Global Energy Nigg Ltd proposal either in isolation or in combination with other projects.

## **SECTION 4: CONDITIONS**

### **11 Requirement for conditions**

- 11.1 The following conditions are required to ensure the project will not adversely affect the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Cromarty Firth SPA and Moray Firth SPA
- 11.2 The Licensee must submit a Biosecurity Plan to the Licensing Authority for its written approval at least two months prior to Commencement of Licenced Activity, or less if agreed by the Licensing Authority. All works must proceed in accordance with the approved Biosecurity Plan. Any updates or amendments made to the Biosecurity Plan must be submitted, in writing, to the Licensing Authority for its written approval no later than two months or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed amendments. It is not permissible for any works to commence prior to approval of the Biosecurity Plan.
- 11.3 The Licensee must submit a Marine Mammal Protection Plan to the Licensing Authority for its written approval at least two months prior to Commencement of Licenced Activity, or less if agreed by the Licensing Authority. All works must proceed in accordance with the approved Marine Mammal Protection Plan. Any updates or amendments made to the Marine Mammal Protection Plan must be submitted, in

writing, to the Licensing Authority for its written approval no later than two months or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed amendments. It is not permissible for any works to commence prior to approval of the Marine Mammal Protection Plan.

- 11.4 The Licensee must submit a Breeding Bird Protection Plan to the Licensing Authority for its written approval at least two months prior to Commencement of Licenced Activity, or less if agreed by the Licensing Authority. All works must proceed in accordance with the approved Breeding Bird Protection Plan. Any updates or amendments made to the Breeding Bird Protection Plan must be submitted, in writing, to the Licensing Authority for its written approval no later than two months or at such a time as agreed with the Licensing Authority, prior to the planned implementation of the proposed amendments. It is not permissible for any works to commence prior to approval of the Breeding Bird Protection Plan.