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[Redacted]

Attric Limited  
Lochview Office  
Loch Duntelchaig  
Farr  
IV2 6AW

Date: 14 March 2018

Dear [Redacted]

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS  
(ENVIRONMENTAL IMPACT ASSESSMENT) SCOTLAND REGULATIONS 2017 (AS AMENDED)  
("the EIA Regulations")

Thank you for your screening request for the proposed Scrabster Ola Pier Extension received on 30 January 2018.

In considering your screening request, the Scottish Ministers have consulted with Scottish Natural Heritage ("SNH"), Scottish Environment Protection Agency, Historic Environment Scotland and The Highland Council as to their view on whether the proposed works are an Environmental Impact Assessment ("EIA") project. Copies of the consultation responses are enclosed for your review.

The proposed works involve the construction of a new quay wall, land reclamation and associated dredging activities within Scrabster Harbour, therefore the Scottish Ministers consider the works to fall under paragraphs 1(e) and 10(g) of the EIA Regulations. The area of these works each exceeds the corresponding threshold described in column 2 of schedule 2 of the EIA Regulations.

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the EIA Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

#### **Characteristics of the works**

The size of the proposed works is 5.4 hectares. The threshold for port installations, as described in column 2 of schedule 2 of the EIA Regulations, is "the area of the works exceeds 1 hectare", therefore the proposed works significantly exceed this threshold. As the threshold for reclamation of land from the sea is "all works", the works also exceed this threshold.

The design of the proposed works involves various activities which are likely to have significant effects on the environment including piling, land reclamation and dredging.

It is anticipated that the proposed works will produce waste in the form of dredge spoil and sedimentation. It is proposed that, if deemed suitable, the dredge spoil will be reused as infill material in the reclamation works.

The proposed works may result in increased noise, dust and light nuisance, and increased sedimentation and pollution risk, which potentially may pose a risk to human health.

### **Location of the works**

The proposed works are located within an established harbour however, there are designated sites which are in close proximity. In particular, the works are likely to have a significant effect on the North Caithness Cliffs Special Protected Area ("SPA"), classified for cliff nesting seabirds and peregrine falcon, which lies approximately 450m from the proposed works and the River Thurso Special Area of Conservation ("SAC"), designated for Atlantic salmon, lies approximately 2.3km from the proposed works.

SNH has advised that the proposed works have the potential to affect these sites by noise (and vibration), sedimentation and pollution risk associated with construction and dredging activities.

### **Characteristics of the potential impact**

The proposed works are likely to have a significant effect on the environment based on their extent and proximity to sensitive areas.

SNH has advised that birds within the SPA could be at risk of disturbance from the proposed works and that Atlantic salmon on migration could be disturbed and/or injured from underwater noise (e.g. from piling activities) and from increases in sedimentation associated with dredging activities. In addition, SNH has noted that identification of any impacts to bottlenose dolphins will also require connectivity with the Moray Firth SAC to be considered.

The Highland Council has noted that during construction, there is potential for neighbouring residents to be significantly affected by noise, dust and possibly light nuisance. Once operational, it is likely that the pier re-development will result in increased use of Scrabster Harbour by cruise ships and other large vessels. The Highland Council has noted that the screening report has assessed any resulting noise impact as being insignificant. Although they agree that during the daytime noise from increased activities is unlikely to cause any significant problems, in their opinion the matter is less clear for noise which might arise from an increase in night time activity. In addition, The Highland Council have identified that there is the potential for the proposed works to have an impact on transportation and this requires further consideration.

Taking into account the information provided and the advice received, as referred to above, the Scottish Ministers have concluded that the proposed works are an EIA project under the EIA Regulations and therefore an environmental impact assessment must be carried out in respect of the proposed works.

In regards to the proposed dredging activities, if the applicant wishes to apply to deposit the dredge spoil at a sea disposal site, pre-disposal sample analysis will be required to establish the suitability of the material for this activity. If contaminants are identified within the spoil, the likely environmental effects associated with the potential introduction of contaminants into the marine environment during dredging and sea disposal activities will require sufficient consideration. This must include an assessment of any impacts under the Water Framework Directive.

If you increase, alter or extend the proposed works, you are advised to contact Marine Scotland Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department and Transport Scotland for their information.

Thank you for consulting with us on this matter. If you require any further assistance or advice on marine licensing matters, please do not hesitate to contact me.

Yours sincerely

[Redacted]

Licensing Operations Team  
Marine Scotland





## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

### BY EMAIL

Louise Wilcox  
Marine Licensing Casework Officer  
Marine Scotland  
[ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

21 February 2018  
Our ref: CEA149196

Dear Ms Wilcox,

### **The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Extension to the Ola Pier at Scrabster Harbour, Caithness**

Thank you for your consultation dated 31 January 2018, requesting a screening opinion for the above proposal.

#### **1. Summary**

In our opinion, based on the information provided to-date, the proposal is likely to have significant effects on the environment and therefore is an EIA project. However, it is for Marine Scotland to determine the need for an EIA. We provide further information below.

#### **2. Appraisal of the impacts of the proposal and our advice**

##### **a) Protected areas**

The proposal lies approximately 450m from the North Caithness Cliffs Special Protection Area (SPA), classified for its cliff nesting seabirds and peregrine falcon. In addition, the proposal lies approximately 2.3km from the River Thurso Special Area of Conservation (SAC), designated for its Atlantic salmon<sup>1</sup>.

The status of the sites described mean that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Marine Scotland is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal). Please see our website for a summary of the legislative requirements<sup>2</sup>.

The proposal has the potential to affect these sites by noise (and vibration), sedimentation and pollution risk. Birds within the SPA could be at risk of disturbance from the proposed works. In addition, Atlantic salmon on migration could be disturbed and/or injured from underwater noise (e.g. from piling activities) and increases in sedimentation (from dredging activities). Furthermore, should any impacts to bottlenose dolphins be identified, connectivity with the Moray Firth SAC should also be considered.

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<sup>1</sup> Further information on these sites are available from SiteLink at: <https://www.nature.scot/information-library-data-and-research/snhi-data-services>

<sup>2</sup> <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie, KW10 6UB  
Tel: 0300 0676841 Fax: 01408 634222 [www.nature.scot](http://www.nature.scot)

An Ceangal, Roan Gniomhachais Ghoillspidh, Goillspidh, Cataibh, KW10 6UB  
Fòn 0300 067 6841 Fax 01408 634222 [www.nature.scot](http://www.nature.scot)

The level of detail in the screening report is useful at this stage. However, we would expect any future application to be supported by further information to inform an Appropriate Assessment for these sites. For example, information on the timings of works, method and duration of piling and dredging, number of piles required and details of any mitigation measures proposed should be provided.

### **b) Protected species**

Cetaceans and basking sharks are known to use the Pentland Firth and have been recorded in the area around Thurso Bay<sup>3</sup>. Therefore, the potential impacts to these species should be assessed in relation to disturbance and/or injury from construction activities such as piling and dredging. Further information on the nature and timings of the works will be required. Should there be risk of disturbance and/or injury to these species, we advise mitigation is put in place to avoid or minimise these impacts as part of a Marine Mammal Mitigation Plan with any future application<sup>4</sup>.

Otters may also be present in the harbour area. We therefore recommend an otter survey is carried out which covers areas of suitable habitat within disturbance distance of the proposal. If otter is likely to be affected by the proposal, a Species Protection Plan (SPP) should be submitted with any future application<sup>5</sup>.

As cetaceans and otter are European Protected Species (EPS), we would be happy to provide advice on the need for a licence<sup>6</sup>.

In addition, if construction coincides with the bird breeding season, pre-construction checks for breeding birds are also likely to be required within the harbour area<sup>7</sup>. In relation to other marine mammals (such as seals), our advice on mitigation measures is covered above in relation to cetaceans.

### **3. Concluding remarks**

Our comments are given without prejudice to the views which we may wish to express at a later stage in response to a formal consultation on the full proposal.

Please let me know if you need any further information or advice from us in relation to this proposal.

Yours sincerely

**Siân Haddon**

Operations Officer, Caithness  
Northern Isles & North Highland  
[Sian.Haddon@snh.gov.uk](mailto:Sian.Haddon@snh.gov.uk)

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<sup>3</sup> Further information is available within our commissioned report "Abundance and behaviour of cetaceans and basking sharks in the Pentland Firth and Orkney Waters" (2011) at: [http://www.snh.org.uk/pdfs/publications/commissioned\\_reports/419.pdf](http://www.snh.org.uk/pdfs/publications/commissioned_reports/419.pdf)

<sup>4</sup> Further information on minimising impacts to marine animals is available from "Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise" (2010) at: [http://jncc.defra.gov.uk/pdf/JNCC\\_Piling%20protocol\\_August\\_2010.pdf](http://jncc.defra.gov.uk/pdf/JNCC_Piling%20protocol_August_2010.pdf) and "The Protection of Marine European Protected Species from injury and disturbance" (2014) at: <http://www.gov.scot/Resource/0044/00446679.pdf>

<sup>5</sup> Further information available from: <https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-animals>

<sup>6</sup> More information available from our website at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

<sup>7</sup> More information is available from: <https://www.nature.scot/dealing-construction-and-birds>

Scrabster Harbour  
c/o Scottish Government  
Louise Wilcox  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen AB11 9DB

Please ask for: Shona Turnbull  
Direct Dial: 01955 609528  
Email: shona.turnbull@highland.gov.uk  
Our Ref: 18/00455/PREAPP/SHTU/JEBA  
Your Ref: GSX: Scrabster Harbour Trust  
Date: 15 February 2018

Dear Sir/Madam

**MS-LOT SCREENING CONSULTATION: RE-DEVELOPMENT OF SCRABSTER HARBOUR AT FERRY TERMINAL, SCRABSTER**

Thank you for consulting us on 31 January 2018 regarding the screening opinion for the above works.

From the information provided and the subsequent meeting on 9<sup>th</sup> February 2018 with Scrabster Harbour, it would appear that the dredge spoil is likely to be deposited on the same spoil grounds as used for the development of the Jubilee pier. The bulk of this spoil ground lies within the North Caithness Cliffs Special Protection Area. However, it would appear that the spoil is unlikely to be significantly contaminated but a standard protocol for vessel movements could be applied ensure no significant impact on the qualifying features.

Various cetaceans, including porpoises, are found in the area therefore the impacts of piling and other construction noise on cetaceans should be considered in the Appropriate Assessment. General Policy 8A: Noise of the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan would be helpful.

Sectoral Policy 7 of the Pilot Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan:  
supports the sustainable growth of ports and harbours within the area, particularly within existing facilities, where:-

- access to ports and harbours is not restricted
- safety considerations are primary
- navigational routes are not compromised.

Dredging within the area will be supported by the Plan where dredged material is recycled or disposed of in appropriate locations.

Advice from our Environmental Health Officers may be helpful for future stages of the proposal:

‘The works will entail partial demolition, reconstruction and extension of the existing pier. During construction, there is potential for neighbouring residents to be significantly affected by noise, dust and possibly light nuisance. Any application will need to include an assessment of noise from all construction work which would include piling, dredging and construction traffic. A Construction Environmental Management Plan which identifies the proposed mitigation measures to reduce the impact of emissions will need to be submitted for approval.

Once operational, the anticipation is that the development will result in increased use of the harbour by cruise ships and other large vessels however the screening report has assessed any resulting noise impact as being insignificant. I would agree that during the daytime, noise from increased activities is unlikely to cause any significant problems however, the matter is less clear for noise which might arise from an increase in night time activity. I would advise that any application should include an operational noise assessment in terms of any potential impact due to an increase in night time activities resulting from the redevelopment of the pier.'

The advice from our senior engineer in transport planning will also help in future stages of the proposal:

#### Consultation Summary

A Transport Assessment is not considered necessary regarding the Council's Transportation interests.

However Consultation on a Transport Statement at the appropriate stage is requested. The Statement should give suitable environmental consideration to the following issues and identify any appropriate mitigation;

1. The increase in vehicular traffic and in particular HGV traffic during operation and construction due to the development. This should be compared against the base line condition for the immediate access route to verify the assumption that the proposals will not have a significant impact. If the impact is shown to be significant then further consultation with the Council on local roads issues is requested.
2. Access, turning and parking provision to mitigate any increase in vehicular traffic. In particular it should consider if any upgraded facilities for public transport and coaches are required to service additional cruise ships.
3. Appropriate links and facilities for pedestrians and cyclists within the development connecting to the external network.

#### Impact on Transport

The Council has an interest in ensuring appropriate transportation links by sustainable modes to Thurso and other destinations to safeguard health and road safety and to encourage economic benefits for the local community. The Caithness and Sutherland emerging Local Development Plan notes that there are congestion and HGV problems within Thurso due to the historic nature of the road layout and single bridge crossing of the river within the town.

The screening report does not examine transportation in detail. This should be remedied by provision of a Transport Statement as part of the detailed environmental considerations.

However the development takes direct access onto the A9 Trunk Road for which Transport Scotland are the Roads Authority not the Council. The Scoping Report indicates re-use of dredgings on site or disposal at sea and finally; the development proposes upgrading an existing pier rather than development of a new facility. Therefore it appears that the transport impact remote from the site and the Trunk Road during construction and operation will not be significant.

It is considered that a full Transport Assessment is not required for the local network.

On balance, it is suggested that a full Environmental Statement may not be required, but additional information on the likely impacts of the spoil and construction would be required, along with the HRA requirements to ensure the qualifying features of the various Natura sites e.g. various seabirds and salmon, are appropriately assessed and mitigated. The general policies of the PFWO may be helpful for these assessments.

The transport and environmental health issues will also need due consideration at the appropriate stage in the development of the proposal.

Yours faithfully

Shona Turnbull  
**Case Officer**





HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to:**  
**MS.MarineLicensing@gov.scot**

Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMN/16/H  
Our case ID: 300026302  
Your ref: 48/1718/01-V2  
19 February 2018

Dear Sir/Madam

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Request for Screening Opinion for Scrabster Harbour Trust, Ola Pier, Scrabster - Pier  
Extension**

Thank you for your consultation which we received on 31 January 2018 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories.

**Our Screening opinion**

Whilst the decision on the need or otherwise for Environmental Impact Assessment (EIA) lies with your organisation, I have the following advice which I hope will be helpful to you in your consideration of the matter;

I understand from the submitted details that the proposal relates to the reconstruction and expansion of the existing pier. It is anticipated that the development which will require both terrestrial and marine works. There are no heritage assets within our remit either within, or in the immediate vicinity of, the proposed development. We are therefore content that the proposed works are unlikely to have significant impacts on assets within our statutory remit.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.



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We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Samuel Fox and they can be contacted by phone on 0131 668 668 or by email on [samuel.fox@hes.scot](mailto:samuel.fox@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Our ref: PCS/157281  
Your ref: None

If telephoning ask for:  
Susan Haslam

1 February 2018

Louise Wilcox  
Marine Scotland  
Aberdeen

By email only to: [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Dear Ms Wilcox

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Pier Extension  
Ola Pier, Scrabster**

Thank you for your consultation email which SEPA received on the 31 January 2018.

We do not generally provide site specific advice on marine consultations. Instead, please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#).

Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Susan Haslam  
Senior Planning Officer  
Planning Service