

T: +44 (0)131 244 5046
E: ms.marinelicensing@gov.scot

Ms Fiona Henderson
Affric Limited
Lochview Office
Loch Duntelchaig
Farr
IV2 6AW

Date: 03 July 2019

Dear Ms Henderson,

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

I refer to your letter dated 30 May 2019 regarding marine licence number 06709/19/0, which authorises dredging and dredge spoil deposit activities associated with the Port of Cromarty Firth Phase 4 Development, Invergordon Service Base ("the Phase 4 Development"). Your letter requested a variation to the marine licence to add an additional dredge area, to increase the total dredge volume and to no longer use the majority of the dredge spoil material for land reclamation purposes but instead to dispose of all the dredge spoil material at the Sutors authorised dredge spoil deposit area (collectively referred to as "the Proposed Works").

The Phase 4 Development is an Environmental Impact Assessment ("EIA") project therefore the Scottish Ministers reviewed your request taking into consideration the requirements of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the 2017 MW Regulations"). The Scottish Ministers consider the Proposed Works to fall under paragraph 13 of Schedule 2 of the 2017 MW Regulations on the basis that they constitute a change to schedule 2 works already authorised and in the process of being executed. The Scottish Ministers are therefore obliged to adopt a screening opinion in regards to the Proposed Works.

In determining their screening opinion, the Scottish Ministers have consulted with Scottish Natural Heritage ("SNH"). A copy of their consultation response is enclosed for your review.

In support of your variation request you submitted an assessment of the potential impacts of the Proposed Works compared with the conclusions of the original EIA report dated May 2018 ("the EIA report"). The key findings of this assessment are summarised in the subsequent section.

When adopting a screening opinion, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works and of the potential impact

The Proposed Works feature the following key changes:

- To increase the dredge volume from 214,160 wet tonnes to 296,000 wet tonnes;
- To increase the volume of dredge spoil being deposited at the Sutors dredge spoil deposit area from 130,000 wet tonnes to 296,000 wet tonnes; and
- To add a new dredge area in the south west corner of the land reclamation area, within the previous red line boundary of the works.

The need to increase the dredge volume and to add a new dredge area has arisen following more detailed bathymetric surveys of the area and the development of a detailed design. The contractor has also carried out a review of the ground conditions at the site and found that although there are sands and gravels within the dredge area, which would be suitable for use as infill, the distribution of the sands, gravels, silts and clays are too homogenous to allow the sands and gravels to be extracted in isolation. This means that the material does not meet the engineering requirements for use as infill. Consequently, contrary to previous expectations, none of the dredge spoil material can be used for land reclamation purposes and therefore it is now proposed to dispose of all of the dredge spoil at the Sutors dredge spoil deposit area.

The Proposed Works will lead to the following changes which have the potential to impact the environment beyond what was originally assessed:

- Increased vessel movements to and from the dredge spoil deposit area and to deliver infill material from offsite. The net increase is predicted to be 260 vessel movements;
- Increased number of sediment loading occurrences at the Sutors dredge spoil deposit site; and
- Increased sediment loading at the dredge area.

In regards to air quality, the increased vessel movements associated with the Proposed Works will increase the greenhouse gas emissions produced. The predicted overall increase is 281.5 tonnes of CO₂e which is a 1.8% increase on the previously calculated volume. This does not increase the significance of the impact of greenhouse gas emissions from that which was assessed in the EIA report.

In regards to coastal processes, ground conditions and contamination, bathymetric surveys have shown that although there is an 83% increase in the volume of dredge spoil being deposited at the Sutors dredge spoil deposit area, the area has the capacity to accept the increased volume without causing a significant effect.

In regards to ornithology, as the dredge vessel will transport through and discharge in the deep water channel, only species that may be present in the deep-water channel have the potential to be affected. The dredging will be completed before mid-October therefore wintering birds will not be affected. The only species with the potential to be affected is eider ducks which are unlikely to forage in the deep water and therefore the overall impact is still assessed as minor and non-significant. The increase in the number of sediment loading occurrences at the dredge spoil deposit site may also impact ornithology however this is a temporary effect and the use of a smaller barge than that previously assessed also means that the area affected during each disposal operation will be smaller.

The increased number of sediment loading occurrences also has the potential to affect marine mammals however the conclusions are the same as for ornithology. The increase in vessel movements also has the potential to impact marine mammals however the increase does not exceed levels which have previously been modelled and assessed to have no significant effects on marine mammals.

In regards to navigation, the overall increase in vessel movements has the potential to impact birds and marine mammals however for the reasons given above, there is no change to the significance of the impact from that previously assessed in the EIA report. The dredging works take place to the west of the main port movements so there is not predicted to be any increased risk of collision from an increase in vessel movements in this area.

In regards to water quality, the initial assessment was based on a cutter suction hopper dredger being used for the berth dredge however a change to the methodology means that a backhoe dredger will be used for the entire dredge campaign. Backhoe dredging gives rise to significantly lower sediment loading and therefore the increased dredge volume will not increase the sediment loading at the dredge site from that which was originally assessed.

Based on the information provided, the Scottish Ministers are of the opinion that the characteristics of the Proposed Works and of the potential impact do not alter the significance of the environmental effects which have previously been assessed and do not introduce any additional significant environmental effects.

Location of the works

The Proposed Works are located within the established harbour at Invergordon and at the nearby authorised Sutors dredge spoil deposit area.

SNH previously advised in June 2018 that the works associated with the Phase 4 Development were close to and could affect a number of designated sites including the Moray Firth Special Area of Conservation ("SAC"), the Dornoch Firth and Morrich More SAC, the Cromarty Firth Special Protection Area ("SPA") and Ramsar site and the Moray Firth proposed SPA.

In their response dated 20 June 2019 SNH advised that, subject to adherence to the existing licence conditions, in their view, the natural heritage interests of international importance will not be adversely affected by the Proposed Works.

Based on the information above and the advice received, the Scottish Ministers are of the opinion that, providing the existing licence conditions are adhered to, the Proposed Works do not alter the significance of any of the environmental effects which have previously been assessed, and do not introduce any additional significant environmental effects, in relation to the location of the works.

Conclusion

Taking into account the information provided and the advice received, as referred to above, the Scottish Ministers have concluded that an EIA is not required to be carried out in respect of the Proposed Works.

If you propose any further changes or extensions to the works associated with the Phase 4 Development, you are advised to contact Marine Scotland Licensing Operations Team to confirm if this screening opinion is still valid.

A copy of the screening opinion has been forwarded to The Highland Council planning department. The screening opinion has also been made publicly available through the [Marine Scotland Information website](#).

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely

[Redacted]

Louise Msika
Licensing Operations Team
Marine Scotland

Msika L (Louise)

From: Nathan McLaughlan <Nathan.McLaughlan@nature.scot>
Sent: 20 June 2019 16:47
To: Msika L (Louise)
Subject: RE: 06709 - Port of Cromarty Firth - Capital Dredging and Sea Disposal - Phase 4 Development - Screening Consultation

Dear Ms. Msika

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS**

Thank you for consulting us on the above proposal in your email dated 7 June 2019. It is for Marine Scotland, as the competent authority, to determine if an Environmental Impact Assessment is required. We can offer advice on likely significant impacts to the natural heritage within our remit.

As explained in our response on the previous proposal (dated 29 June 2018), there are natural heritage interests of international importance on the site. Should the same conditions outlined in our June 2018 response be employed in this current proposal, in our view, the natural heritage interests of international importance will not be adversely affected by the proposed increased volume.

Should you require further information or advice please feel free to contact me.

Kind regards,

Nathan

N.B. my email address has now changed to Nathan.mclaughlan@nature.scot

Nathan McLaughlan | Operations Officer

Scottish Natural Heritage | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01463 701610
Dualchas Nàdair na h-Alba | Slighe Fhodhruidh | Pairc Gnothachais Inbhir Pheofharain | Inbhir Pheofharain | IV15 9XB

nature.scot – Connecting People and Nature in Scotland – [@nature_scot](https://twitter.com/nature_scot)