

T: +44 (0)300 244 5046
E: ms.marinelicensing@gov.scot

Katherine Holmes
Aberdeen Harbour Board
Harbour Office
16 Regent Quay
Aberdeen
AB11 5SS
United Kingdom

Date: 26 July 2021

Dear Ms Holmes,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

Thank you for your screening opinion request dated 15 June 2021 in regards to 10 month extension to duration of the Aberdeen Harbour Expansion Project ("AHEP") at Nigg Bay, Aberdeen ("the Proposed Works").

The Proposed Works are to be undertaken as part of the AHEP, for which two marine licences were first granted in November 2016. Following changes to project methods and timescales, two new marine licences were granted in July 2020. The AHEP is an Environmental Impact Assessment ("EIA") project with EIA's being undertaken in support of both the 2016 and 2020 marine licences ("the previous EIA's") therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 14 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the 2017 MW Regulations"), on the basis that they constitute an extension of schedule 1 works already authorised. The Proposed Works are being carried out in a sensitive area, as defined by the 2017 MW Regulations. The Scottish Ministers are therefore obliged to adopt a screening opinion in regards to the Proposed Works. The screening opinion request submitted included an assessment of the potential additional impacts associated with the Proposed Works. This assessment has been taken into account by the Scottish Ministers in adopting a screening opinion.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency ("SEPA"), Aberdeen City Council and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an EIA project. The Scottish Ministers also

sought advice from Marine Scotland Science (“MSS”). Copies of the consultation responses and advice received are attached for your review (at Appendix I).

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 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

The AHEP project currently has two valid marine licences, one authorising construction and another authorising dredging and sea deposit of dredge material associated with construction of a new harbour at Nigg Bay. The current marine licences are valid until 31 December 2021. The Proposed Works are part of the original harbour design and were included within the previous EIA’s but an extension to the project duration is required to complete the construction. No further dredging or sea deposit is proposed as part of the 10 month extension to the project.

The Proposed Works are likely to include the completion of the last 150m section of the 640m south breakwater, marine rotary piling of up to five piles on the west and north quays, installation of four spar buoys along the southern edge of the entrance channel and installation of scour protection for the caissons. A plan of the Proposed Works is provided in Appendix II.

The design, materials and methods for the breakwater, spar buoys and scour protection are unchanged from that which was described and assessed in the previous EIA’s. The piles will also be installed using the methodology within the EIA Report however are required to replace piles installed in 2018/2019 where the required bearing strength has not been achieved. The existing piles will be left in situ.

Some of the required works may be carried out during the period of the existing licence however the 10 month extension has been applied for as a worst case scenario. Excluding the breakwater construction, the Proposed Works will take place within the new harbour area which will minimise disturbance including noise transmission to the surrounding marine environment.

Location of the works

The Proposed Works are located in Nigg Bay which is within the Nigg Bay Site of Special Scientific Interest (“SSSI”). The methods for the Proposed Works are unchanged from that which was assessed in the previous EIA’s and the existing AHEP Construction Environmental Management Document (“CEMD”), including SSSI monitoring measures, will be adhered to during the Proposed Works. As such, the Proposed Works are unlikely to have significant impacts on the SSSI.

The Proposed Works are also in close proximity to, or have connectivity to, a number of European designated sites including the River Dee Special Area of Conservation (“SAC”), the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (“SPA”), the Isle of May SAC and the Moray Firth SAC. The pathway of impact on these sites will be unchanged from that which was assessed in the previous EIA’s and in some cases, the magnitude of these effects will be reduced by the presence of the fully constructed north breakwater. The existing mitigation with the CEMD will continue to be implemented.

The screening report identifies the extension to the duration of the construction of the AHEP will potentially disturb fish, shellfish, birds and mammals for a longer time period than was previously assessed. For fish, shellfish and marine mammals, the main pathway of impact was underwater noise. The rotary piling is the only element of the Proposed Works which will produce potentially significant underwater noise however this will not be impulsive and the impact of this will be substantially reduced by the presence of the fully constructed north breakwater and partially constructed south breakwater.

Vessel collision was also identified as a significant risk to marine mammals and birds. Vessel traffic associated with the Proposed Works will be limited to those associated with the breakwater construction and small survey and safety vessels and as such, providing the existing mitigation remains in place, the risk of collision is negligible.

The Proposed Works have the potential to disturb or displace birds, particularly eider ducks, due to visual and noise disturbance and risk of vessel collision. There are already frequent movements of plant and site workers within Nigg Bay. As such, the area is highly unlikely to provide suitable habitat for breeding, roosting or feeding birds and eider surveys carried out during the AHEP have shown that the birds are already largely displaced from Nigg Bay due to the construction works. Local moulting habitats at Girdleness and Greyhope Bay remain well utilised despite ongoing AHEP construction.

NatureScot advised that the existing AHEP CEMD incorporates the protection, mitigation and management plans appropriate to address impacts on interests of protected areas. As the Proposed Works will be carried out in accordance with the requirements of the existing AHEP CEMD, NatureScot does not consider that extending the completion period of AHEP by 10 months will result in additional significant environmental effects and it does not consider that the proposal requires an EIA. MSS agrees with NatureScot that given the scale and nature of the Proposed Works, a new EIA is not required. MSS noted that the mitigation within the existing AHEP CEMD should be adhered to and that updated modelling of impacts, particularly marine mammals, can be assessed through the Habitat's Regulations Appraisal ("HRA") process. MSS also advised that it is unlikely that the Proposed Works will have any additional detrimental impact on diadromous fish populations.

HES advised that the proposed extension of the construction period by 10 months is unlikely to have any significant adverse impacts on historic environment interests and it does not consider the Proposed Works to require an EIA.

Characteristics of the potential impact

The screening opinion request provides an updated cumulative assessment to consider the extension period. The Proposed Works at AHEP will not generate any loud impulsive noise and therefore there will be no in combination effects with noise from any wind farms under construction during the extension period. The closest wind farm under construction is Kincardine, 12km south of the AHEP however construction of this is scheduled to be complete by the end of 2021. Seagreen Alpha and Bravo offshore wind farms are scheduled to be under construction during 2022, however this is 64km south of Nigg Bay and therefore cumulative disturbance effects are assessed as being unlikely.

SEPA advised that provided the Proposed Works are carried out in accordance with the existing AHEP CEMD, it does not consider the Proposed Works to require an EIA. Aberdeen City Council does not consider that an EIA is required.

The Scottish Ministers agree with the applicant's assessment that the impacts of the Proposed Works will be minor and localised and that the mitigation in the existing AHEP

CEMD is sufficient to ensure that there will be no significant adverse effect on the environment from the Proposed Works. An updated HRA will be undertaken as part of the marine licensing process. Based on the information provided and advice received, the Scottish Ministers are content that the Proposed Works do not alter the significance of any of the environmental effects which have previously been assessed in regards to the AHEP, and do not introduce any additional significant environmental effects.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that an EIA is not required to be carried out in respect of the Proposed Works.

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 Aberdeen City Council planning department. The screening opinion has also been made publicly available through the <http://marine.gov.scot/ml/aberdeen-harbour-expansion>

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

Yours sincerely

Anni Mäkelä
Marine Scotland - Licensing Operations Team

Appendix I. Consultation responses and advice received

From: [Lina-Elvira Back](#)
To: [Makela A \(Anni\)](#)
Subject: Re: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 22 July 2021
Date: 19 July 2021 16:25:55

Afternoon Anni

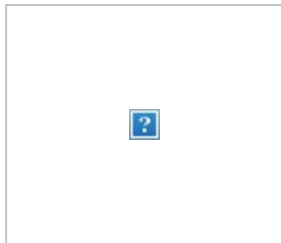
Sorry for the delay but I've now been able to discuss with Development Management team leader Garfield Prentice. He agrees with my assessment that the extension of the construction period by 10 months does not require an EIA and this should now be considered as the formal Aberdeen City Council opinion on the consultation.

I hope this helps, any further questions please let me know.

Kind regards

Lina

Please note: Due to the current COVID-19 (Corona virus) pandemic non-essential Council staff including our team are currently working remotely. Due to this, email is the most reliable form of communication and we are trying to provide as normal a service as possible via this medium. We would ask for your understanding if our response is delayed, as many of our colleagues are dealing with the consequences of the pandemic. If your call is urgent, you can contact me on my mobile 07584 275950.



Lina-Elvira Bäck | Environmental Planner

Protecting the irreplaceable. Promoting the sustainable

Aberdeen City Council | Environmental Policy | Strategic Place Planning |
Commissioning | Ground Floor North | Marischal College | Broad Street |
Aberdeen | AB10 1AB

 | Switchboard: 01224 523470

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: [Urszula Szupczynska](#)
To: [MS Marine Licensing](#)
Subject: RE: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 22 July 2021
Date: 08 July 2021 16:20:53
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear Hamish,

Many thanks for your screening consultation.

We can confirm that the proposed extension of the construction period by 10 months is unlikely to have any significant adverse impacts on our historic environment interests. Therefore, we do not consider that an EIA would be required for our interests.

I hope the above is of assistance to you.

Kind regards

Urszula

**Urszula Szupczynska | Senior Environmental Assessment and Advice Officer |
Environmental Assessment and Advice Team | Heritage Directorate**

We inform and enable good decision-making so that the historic environment of Scotland is valued and protected.

Involved in decisions affecting the historic environment? See the Historic Environment Policy for Scotland at www.historicenvironment.scot/heps

Historic Environment Scotland | Àrainneachd Eachdraidheil Alba
Longmore House, Salisbury Place, Edinburgh EH9 1SH
T: 0131 668 8653

E: urszula.szupczynska@hes.scot



From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>

Sent: 24 June 2021 17:34

Subject: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 22 July 2021

Dear Sir/Madam,

**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**

Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen

Aberdeen Harbour Authority have requested the Scottish Ministers adopt a screening opinion in relation to the above proposed works under regulation 10(1) of the EIA Regulations. Details can be found [here](#).

From: [Shirley Reid](#)
To: [Makela A \(Anni\)](#)
Subject: RE: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 15 July 2021
Date: 16 July 2021 14:43:52

Hi Anni,

Apologies for not clarifying:

For interests within NatureScot's remit, we do not consider that extending the completion period for the specified works by 10 months to 31 October 2022, as per the submitted supporting information, will result in additional significant environmental effects. Therefore we do not consider that the proposal requires an EIA.

Please let me know if you would like any further advice.

Kind regards

Shirley

The advice/information in this e-mail is provided by NatureScot, the operating name of Scottish Natural Heritage.

Shirley Reid | Area Officer

NatureScot | Alexander Fleming House | 8 Southfield Drive | Elgin | IV30 6GR | **t:** 01343 540 631 **m:**



[nature.scot](https://www.nature.scot) | [@nature_scot](#) | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

From: Anni.Makela@gov.scot <Anni.Makela@gov.scot>
Sent: 16 July 2021 14:24
To: Shirley Reid <Shirley.Reid@nature.scot>
Subject: RE: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 15 July 2021

Hi Shirley

Thanks for the advice below. Are you able to confirm that NatureScot does not consider the proposed extension to AHEP to require an EIA?

Best wishes

Anni

Dr Anni Mäkelä (She/Her)

Marine Licensing Group Leader

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 375 Victoria Road | Aberdeen | AB11 9DB

Email: anni.makela@gov.scot
Website: <http://www.gov.scot/marinescotland>
Mobile: [REDACTED]



COVID-19: Marine Scotland - Licensing Operations Team (MS-LOT) is working from home and as a result determination of applications may take longer than our stated timelines. In addition MS-LOT is unable to respond to phone enquiries, please communicate with MS-LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

From: Shirley Reid <Shirley.Reid@nature.scot>
Sent: 15 July 2021 17:34
To: MS Marine Licensing <MS.MarineLicensing@gov.scot>; Makela A (Anni) <Anni.Makela@gov.scot>
Subject: RE: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen - Screening request - Consultation - Response required by 15 July 2021

Hi Hamish, copy Anni,

I understand that this screening request by Aberdeen Harbour Authority is for the proposal to extend the completion date of the following elements of the Aberdeen Harbour Expansion Project to 31 October 2022:

1. Construction of the final section of the south breakwater, up to 150m
2. Marine rotary piling of up to five piles on the west and north quays
3. Installation of four spar buoys along the southern edge of the entrance channel
4. Caisson scour protection

The supporting information states that latest version of the Construction Environmental Management Document (2019 CEMD) remains valid for the proposed extension period. This incorporates various protection, mitigation and management plans which we have previously advised are appropriate to address impacts to interests of protected areas. It is proposed that the above activities will be carried out in accordance with the requirements of the 2019 CEMD during the extension period.

My opinion is that extending the completion period for the above works by 10 months to 31 October 2022, as per the submitted supporting information, will not result in additional significant environmental effects.

Please let me know if you would like any further advice.

Kind regards

From: [Planning.North](#)
To: [MS Marine Licensing](#)
Cc: [Makela A \(Anni\)](#)
Subject: 1970- SEPA Response to: Aberdeen Harbour Authority – Construction of new harbour – Nigg Bay, Aberdeen
- Screening request
Date: 13 July 2021 11:39:54

OFFICIAL – BUSINESS

Dear Sir/ Madam

Marine (Scotland) Act 2010

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the EIA Regulations”)

Aberdeen Harbour Authority – Construction of new harbour

Nigg Bay, Aberdeen

Screening request

SEPA Reference: 1970

Thank you for your consultation email requesting our screening opinion which SEPA received on 24 June 2021.

We note “Aberdeen Harbour Board requests a screening opinion under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, for the proposal to vary the Construction Marine Licence 07161/20/0 to extend limited elements of the marine works until 31 October 2022. There is no requirement to vary the Dredging and Deposit Marine Licence 07035/20/0 as the works authorised by this Licence will be complete by 31 December 2021.”

The *Request to vary Construction Marine Licence: Supporting Environmental* Document, dated June 2021, details that “the majority of the marine construction is on schedule for completion by the end of 2021.” But that “the following aspects of the marine construction may extend into 2022, as shown on Figure 1:

- Final section of the south breakwater (up to 150 m)
- Marine rotary piling of up to 5 piles on the West and North Quays
- Installation of 4 spar buoys along the southern edge of the entrance channel
- Scour protection for the caissons”.

The document further details that the works will be carried out in accordance with the measures detailed in the current version of the approved Construction Environmental Management Document (CEMD).

Based on this information and that all previously agreed procedures/amendments to method statements will be retained, we consider that, with respect to our interests, Environmental Impact Assessment is not required for the above proposal.

Yours sincerely,

Barbara Olszowy

Planning Officer

Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

email: planning.north@sepa.org.uk

T: +44 (0)131 244 2500
E: MSS_Advice@gov.scot

Anni Makela
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

13 July 2021

ABERDEEN HARBOUR BOARD - ABERDEEN HARBOUR EXPANSION PROJECT – PROJECT EXTENSION EIA SCREENING

Marine Scotland Science (MSS) have reviewed the relevant documentation and has provided the following comments.

Overall summary

Aberdeen Harbour Expansion Project (AHEP) seeks a variation to their Marine Licence (ML), to extend the construction period for the completion of the south breakwater, rotary pile replacement, installation of spar buoys and the installation of scour protection.

Given the scale and nature of the works to be included within the ML variation, MSS are of the opinion that a new Environmental Impact Assessment will not be required.

We are content that HRA matters will be considered during the ML variation process.

Marine Ornithology

Of the activities in the scope of the extended project, marine rotary piling and construction of the south breakwater have the potential to disturb and/or displace birds, and there is potential for increased collision risk from construction vessels.

MSS are content with the Supporting Environmental Document provided at this screening stage. We anticipate that the existing licence conditions relevant to ornithological receptors should be maintained in the ML variation, and that the 2019 CEMD should be adhered to.

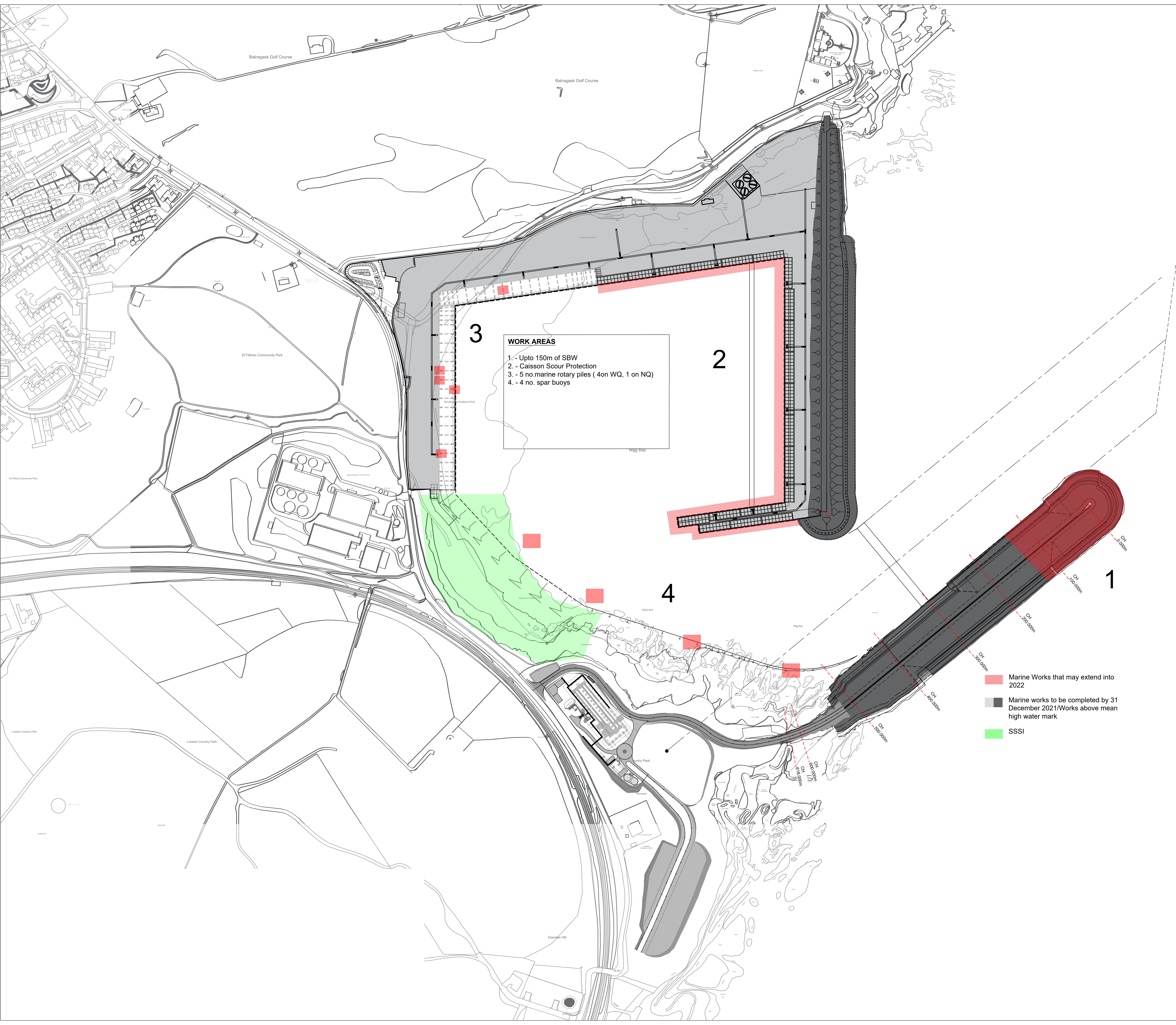
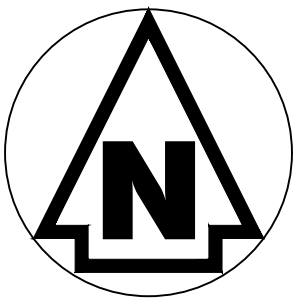
Marine Mammals

MSS note the inclusion of a HRA in the Supporting Environmental Document, and wish to flag to MS-LOT that the Appropriate Assessment (AA) for the Moray Firth SAC included population modelling which was specific to construction years. We suggest that during the MS-LOT should consider whether the existing AA will cover the proposed extension to the works.


Diadromous fish

Given the current status of the harbour development, it is unlikely that the activities that will take place during this proposed project extension will have any additional detrimental impact on diadromous fish populations.

Appendix II. Plan of the Proposed Works



| | | | |
|------|---------|--------------------------------|-----|
| | | | |
| A | 2/11/20 | Site Boundary drawing prepared | |
| Rev: | Date: | Revision: | By: |



ABERDEEN HARBOUR
EST. 1136

Aberdeen Harbour | 16 Regent Quay, Aberdeen AB11 5SS | T. 01224 597000 | E. info@aberndeen-harbour.co.uk

| | | |
|--|-----------------|-----------------------------|
| Title: Marine Licence variation request 2021 | | |
| Date: 17/05/2021 | Designed by: KS | Drawing Number: AHB-001-002 |
| Scale(s): | Drawn by: KS | |
| | Checked by: | |
| | Approved by: | |