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MARINE SCOTLAND LICENSING OPERATIONS TEAM'S ("MS-LOT")  
ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR DESIGNATED  
SPECIAL AREAS OF CONSERVATION ("SAC"), SPECIAL PROTECTION AREAS  
("SPA") AND PROPOSED SPECIAL PROTECTION AREAS ("pSPA") IN VIEW OF  
THE SITES' CONSERVATION OBJECTIVES.

APPLICATION FOR MARINE LICENCES UNDER THE MARINE (SCOTLAND) ACT  
2010 FOR THE CONSTRUCTION, DREDGING AND DREDGE SPOIL DEPOSIT  
ACTIVITIES ASSOCIATED WITH THE ARDERSIER PORT DEVELOPMENT.

## **SECTION 1: BACKGROUND**

### **1 Appropriate assessment ("AA") conclusion**

- 1.1 This AA concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Inner Moray Firth SPA or the Moray Firth pSPA (where each SAC, pSPA or SPA is taken as a whole) from the Ardersier Port Limited 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 MS-LOT consider that the most up to date and best scientific advice available has been used in reaching the conclusion that the Ardersier Port Limited proposal will not adversely affect the integrity of these sites and are satisfied that no reasonable scientific doubt remains.

### **2 Introduction**

- 2.1 This is a record of the AA of the Ardersier Port Limited proposal to carry out marine construction, dredging and dredge spoil deposit activities associated with the Ardersier Port Development at the former McDermott Fabrication Yard, Ardersier ("the Works"). The assessment has been undertaken by MS-LOT. This assessment is required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ("the Regulations"). This AA is in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive") and Council Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive"). MS-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 (SAC and SPA) before it can grant consent for the project.

- 2.2 A detailed AA has been undertaken and Scottish Natural Heritage (“SNH”) and Whale and Dolphin Conservation (“WDC”) have been consulted. Specialist advice was also sought and received from Marine Scotland Science (“MSS”).

### **3 Background to including assessment of new SPA**

- 3.1 The Scottish Ministers, as a 'competent authority' under the Regulations, must be satisfied that the proposal will not adversely affect the integrity of any European site (SAC and SPA, known as Natura sites) either alone or in combination with other plans or projects before authorisations can be given for the proposal.
- 3.2 In Scotland, Scottish Ministers are currently in the process of identifying a suite of new marine SPA. In 2014 advice was received from the statutory nature conservation bodies (“SNCB”) on the sites most suitable for designation and at this stage they became draft SPA (“dSPA”). Once Scottish Ministers have agreed the case for a dSPA to be the subject of a public consultation, the proposal is given the status of proposed SPA (“pSPA”) and receives policy protection, which effectively puts such sites in the same position as designated sites, from that point forward until a decision on classification of the site is made. This policy protection for pSPA is provided by Scottish Planning Policy (paragraph 210), the UK Marine Policy Statement (paragraph 3.1.3) and Scotland’s National Marine Plan (paragraph 4.45).
- 3.3 It is not a legal requirement under the Habitats Directive or relevant domestic regulations for this assessment to assess the implications of the proposal on the pSPA. The assessment includes an assessment of implications upon those sites in accordance with domestic policy. Scottish Ministers are also required to consider article 4(4) of the Birds Directive in respect of the pSPA. The considerations under article 4(4) of the Birds Directive are separate and distinct to the considerations which must be assessed under this Habitats Directive assessment but they are, nevertheless, set out within this assessment (see paragraphs 9.8 and 9.9).
- 3.4 In accordance with regulation 50 of the 1994 Habitats Regulations the Scottish Ministers will, as soon as reasonably practicable following the formal designation of the pSPA, review their decisions if the proposal is authorised. This will include a supplementary AA being undertaken concerning the implications of the proposal on the sites as designated (as they are currently pSPA their conservation objectives are currently in draft form, their conservation objectives are finalised at the point the sites are designated).

#### **4 Details of proposed operation**

- 4.1 The Ardersier Port Development is located at the former McDermott Fabrication Yard, which lies approximately 7.5 kilometres (“km”) to the west of Nairn, 3km northeast of the village of Ardersier and is bounded by the Moray Firth to the north (“the Site”). The Site extends to 307 hectares in total (including marine and terrestrial aspects) and features an existing harbour which is protected by a naturally occurring sand and shingle spit known locally as Whiteness Head.
- 4.2 The Works involve port entrance/inner channel dredging, quay wall construction/realignment and quayside (berthing) dredging. The Works are scheduled to start in 2019 and take up to 5 years to complete.
- 4.3 A dredge of 2,300,000 cubic metres (“m<sup>3</sup>”) of sand will be required to deepen the port entrance to -6.5 metres (“m”) chart datum. A cutter suction dredger will be used. An area of the inner channel will be dredged to -3m chart datum by either plough dredging, backhoe dredger or land based equipment. This area will represent 2-3% by volume of the overall dredge. The initial 200,000m<sup>3</sup> of appropriate dredged material will be deposited via a discharge pipeline to the inner channel as reinstatement to the inner spit. The remaining material will be stored onshore at the site above Mean High Water Springs (“MHWS”). This material will then be available for use in future infrastructure projects for example as ballast in gravity foundations or as bulk fill for the A96 road dualling project. The discharge pipeline will be laid out prior to the arrival of the dredger. The dredger will then connect to the pipeline and material will be pumped directly from the vessel to the inner spit or onshore storage as required. Figure 1 shows the extent of the dredging and dredge spoil deposit activities.
- 4.4 A new 464m sheet pile wall will be constructed either alongside the existing quayside between points 02 and 023 as detailed in Figure 2, which shows the existing quay wall and the extent of the new construction works. 400m of new quay wall will be constructed between points 4 and 10. Two short sections of existing quay wall will be removed, shown in black in Figure 2. A temporary access bund will be placed along the existing quay wall and the new wall will be installed by vibro-piling through the bund. Once the quay wall has been constructed, there will be a requirement to reduce the dredge level on the seaward side of the wall. This will be carried out by land based excavator and the material used to backfill against the new quay or taken to the temporary land storage area.

Figure 1: Areas to be dredged, area of the spit to be reinstated (area marked in red) and the temporary dredge spoil storage location (hatched black area).

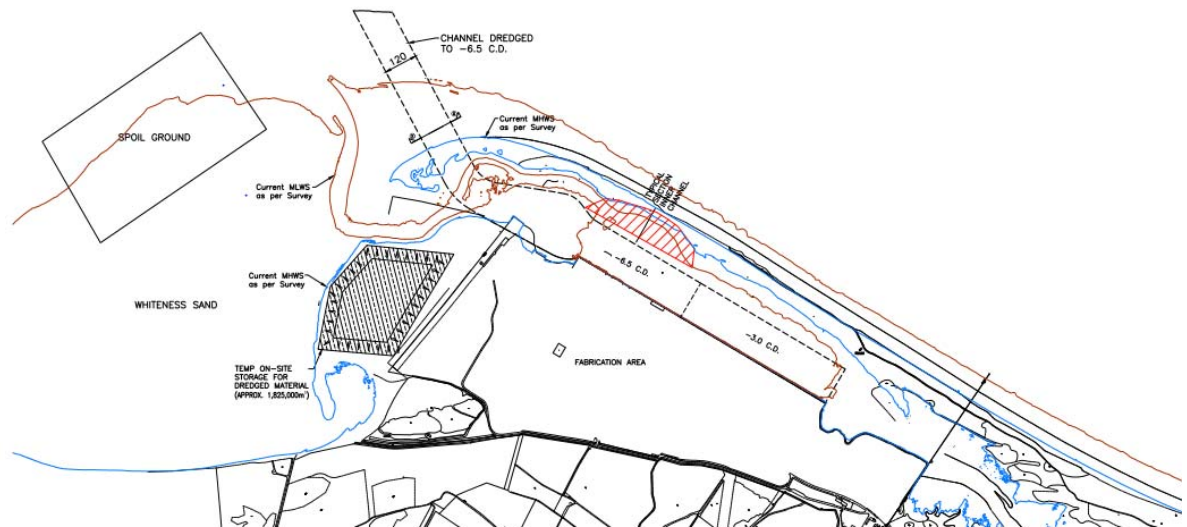


Figure 2: The location of the construction works showing the existing and new quay wall.



4.5 Marine licences were issued for dredging and quay wall construction in 2014, but no works were undertaken under these licences which have now expired.

## **5 Consultation**

- 5.1 SNH and WDC were consulted on the Ardersier Port Limited proposal on 21 December 2018.
- 5.2 WDC provided their response on 22 January 2019.
- 5.3 SNH provided their initial response on 24 January 2019 . Further information was requested from SNH on 11 February 2019 and SNH responded on 15 February 2019. SNH was asked for further clarification on 07 March 2019 and provided their response on 25 March 2019. Additional clarification was sought from SNH on 21 June 2019 and a response was received on 25 June 2019. SNH also referred to responses they provided when the works had previously been granted marine licences in 2014, specifically their advice provided on 15 November 2013.

## **6 Main points raised during consultation**

- 6.1 Based on consultation responses received in both 2013 and 2019, SNH advised that the proposal is likely to have a significant effect on the bottlenose dolphins and subtidal sandbanks of the Moray Firth SAC. Furthermore, SNH advised there is a likely significant effect (“LSE”) on the common seal interest of the Dornoch Firth and Morrich More SAC and on the great northern and red throated diver, long tailed duck and eider duck interests of the Moray Firth pSPA. They also advised a LSE on the bar-tailed godwit and curlew interests of the Inner Moray Firth SPA. SNH therefore advised that an AA was required.
- 6.2 WDC advised that assessment of disturbance and cumulative impacts are the two primary concerns and provided some advice and areas for consideration in this regard.
- 6.3 MSS was asked for specialist advice regarding marine mammal concerns on 14 February 2019 and provided their response on 05 March 2019. MSS supported the conclusion of SNH that an AA was required.

## **SECTION 2: INFORMATION ON NATURA SITES**

### **7 Background information and qualifying interests for the relevant Natura sites**

- 7.1 This section provides links to the Scottish Natural Heritage Interactive (“SNHi”) website where the background information on the site being

considered in this assessment is available. The qualifying interests for the site are listed as are the conservation objectives.

**Table 1 Name of Natura site affected and current status**

<b><u>Moray Firth SAC</u></b> <a href="https://sitelink.nature.scot/site/8327">https://sitelink.nature.scot/site/8327</a>
<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>
<b><u>Inner Moray Firth SPA</u></b> <a href="https://sitelink.nature.scot/site/8515">https://sitelink.nature.scot/site/8515</a>
<b><u>Moray Firth pSPA</u></b> <a href="https://sitelink.nature.scot/site/10490">https://sitelink.nature.scot/site/10490</a>

**Table 2 European qualifying interests**

<b><u>Moray Firth SAC</u></b> <ul style="list-style-type: none"><li>• Bottlenose dolphin (<i>Tursiops truncatus</i>)</li><li>• Subtidal Sandbanks</li></ul>
<b><u>Dornoch Firth and Morrich More SAC</u></b> <ul style="list-style-type: none"><li>• Atlantic salt meadows</li><li>• Coastal dune heathland</li><li>• Dune grassland</li><li>• Dunes with juniper thickets</li><li>• Estuaries</li><li>• Glasswort and other annuals colonising mud and sand</li><li>• Harbour seal (<i>Phoca vitulina</i>)</li><li>• Humid dune slacks</li><li>• Intertidal mudflats and sandflats</li><li>• Lime-deficient dune heathland with crowberry</li><li>• Otter (<i>Lutra lutra</i>)</li><li>• Reefs</li><li>• Shifting dunes</li><li>• Shifting dunes with marram</li><li>• Subtidal sandbanks</li></ul>
<b><u>Inner Moray Firth SPA</u></b> <ul style="list-style-type: none"><li>• Bar-tailed godwit (<i>Limosa lapponica</i>), non-breeding</li><li>• Common tern (<i>Sterna hirundo</i>), breeding</li><li>• Cormorant (<i>Phalacrocorax carbo</i>)</li></ul>



- Curlew (*Numenius arquata*), non-breeding

#### **Moray Firth pSPA**

- 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**

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

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:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are established then maintained in the long term:

- Population of the species as a viable component of the site

- 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

### **Inner Moray Firth SPA**

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:

- Population of the species as a viable component of the site
- 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 pSPA (Draft Conservation Objectives)**

The following conservation objectives are still in draft form and have not yet been agreed.

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, subject to natural change, thus ensuring that the integrity of the site is maintained in the long-term and it continues to make an appropriate contribution to achieving the aims of the Birds Directive for each of the qualifying species.

This contribution will be achieved through delivering the following objectives for each of the site's qualifying features:

- a) Avoid significant mortality, injury and disturbance of the qualifying features, so that the distribution of the species and ability to use the site are maintained in the long-term;
- b) To maintain the habitats and food resources of the qualifying features in favourable condition.

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

### **8 Requirement for appropriate assessment**

#### **8.1** *Is the operation directly connected with or necessary to conservation management of the site?*

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

#### **8.2** *Is the operation likely to have a significant effect on the qualifying interest?*

In their response, dated 24 January 2019, SNH advised that the proposal would have a LSE on the following qualifying interests:

##### **Moray Firth SAC**

- Bottlenose dolphins (*Tursiops truncatus*)
- Subtidal sandbanks

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

- Harbour seals (*Phoca vitulina*)

##### **Inner Moray Firth SPA**

- Bar-tailed godwit (*Limosa lapponica*), non-breeding
- Curlew (*Numenius arquata*), non-breeding

##### **Moray Firth pSPA**

- Eider (*Somateria mollissima*), non-breeding
- Great northern diver (*Gavia immer*), non-breeding
- Long-tailed duck (*Clangula hyemalis*), non-breeding
- Red-throated diver (*Gavia stellata*), non-breeding

MS-LOT agreed with the advice and have undertaken an AA for the above listed qualifying interests of the Moray Firth SAC, Dornoch Firth and Morrich More SAC, Inner Moray Firth SPA and Moray Firth pSPA.

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

9.1 MS-LOT has considered the advice provided by SNH to support this assessment. In addition, MS-LOT have considered the comments received from WDC and the advice provided by MSS in their assessment.

**9.2 Moray Firth SAC**

**Bottlenose Dolphins**

9.2.1 SNH advised that the proposal has the potential to have a LSE on the bottlenose dolphins due to disturbance from piling, dredging and vessel movements during both the construction and operational phases of the development.

9.2.2 SNH further advised that providing the applicant adheres to the Marine Mammal Protection Plan ("MMPP") and the Marine Mammal Observation Protocol ("MMOP") which are included within the Construction Environment Management Document ("CEMD"), there will be no adverse effects on the integrity of the SAC. However, SNH advised that the sea state should be no higher than 3 for marine mammal observer ("MMO") procedures and that the CEMD should be amended in line with this. The applicant had proposed the use of MMOs up to sea state 4.

9.2.3 WDC were in agreement with SNH that disturbance and cumulative impacts are the two main concerns regarding marine mammals. They recommended that MMO procedures should not be used in sea states higher than 2 which is a more precautionary view than that given by SNH. MSS agreed with SNH that providing the mitigation measures described in the MMPP and the MMOP are adhered to and the MMOP is amended with regard to a limit of sea state 3 for MMO procedures, it is unlikely that the project will have adverse effects on the integrity of the site.

9.2.4 Although WDC recommended that MMO procedures should not be used in sea states greater than 2, MS-LOT agree with SNH and MSS that sea state 3 is a more appropriate restriction. MS-LOT therefore conclude that providing the mitigation measures as detailed in the MMPP and MMOP are followed and MMO procedures are not used in sea states greater than 3, there will be no adverse effect on the integrity of the bottlenose dolphin feature of the Moray Firth SAC from the Ardersier Port Limited proposal.

### Subtidal Sandbanks

- 9.2.5 SNH previously advised that there was a LSE on the subtidal sandbanks due to the removal of circa 2,000,000m<sup>3</sup> of sands and gravels from the SAC and due to the redistribution of sediments as a result of the dredging programme.
- 9.2.6 SNH further advised that while the volume of material is significant, it is relatively small when compared to the remaining sediments in the vicinity and in the context of the extent and distribution of the sandbank feature across the wider SAC. While there will be localised impacts, the typical species of the habitat are used to a highly mobile environment and are therefore likely to recover with time.
- 9.2.7 Based on the above information, MS-LOT conclude that there will be no adverse effect on the subtidal sandbank feature of the Moray Firth SAC from the Ardersier Port Limited proposal in isolation.

### 9.3 Dornoch Firth and Morrich More SAC – Harbour Seals

- 9.3.1 SNH advised that, due to the presence of a designated seal haul out site at Ardersier, harbour seals from the SAC could be present close to the development. As a consequence, seals are likely to be disturbed by piling, dredging and vessel and onshore movements during both the construction and operational phases of the works.
- 9.3.2 The SAC is about 50km from the Ardersier Port Limited proposal therefore only a small proportion of the SAC population is likely to be using the Ardersier haul out site at any one time. The mitigation proposed in the MMPP and the MMOP will reduce impacts on those animals in the vicinity and on this basis, SNH concluded that the Works will not adversely affect the integrity of the site. MSS agrees with the conclusions of SNH with regards to the SAC.
- 9.3.3 MS-LOT concurs with the view of SNH that providing the mitigation measures detailed in the MMPP and MMOP are followed, there will be no adverse effect on the site integrity of the Dornoch Firth and Morrich More SAC from the Ardersier Port Limited proposal in isolation.

### 9.4 Inner Moray Firth SPA

- 9.4.1 SNH advised that the proposal could have a LSE on the bar-tailed godwit and curlew qualifying interests of the Inner Moray Firth SPA because the dredge will remove supporting habitats and affect foraging areas through changes in sediment movement and deposition and there will be disturbance

arising from the onshore stockpiling and subsequent management of dredged material.

- 9.4.2 The coastal processes assessment prepared by the applicant and submitted as a technical appendix to the EIA report predicts that much of Whiteness Sands is likely to be generally stable in extent and elevation and any net change to sediment movement and deposition after capital dredging is likely to be minor. SNH is satisfied that any changes attributable to capital dredging are within natural variability. Therefore SNH advised that the coastal-process effects associated with the dredging would not have a significant adverse impact on the Whiteness Sands component of the SPA.
- 9.4.3 With regards to disturbance, the construction of bunds to screen the Whiteness Sands roost site from the development area will avoid adverse impacts on the SPA. This is dependent on the suitable design and location of the bunds as well as the timing of their construction. The 120m long permanent bund must be constructed in line with the drawing 670191-018 submitted by the applicant and must be constructed prior to any construction or further dredging works taking place. In addition, the stockpile of sediment should be separate from the permanent bund to ensure that the stockpiled material can be removed without affecting the integrity of the bund.
- 9.4.4 MS-LOT concur with the views of SNH that providing the bunds are constructed in line with the information provided by the applicant, there will be no adverse effect on the integrity of the Inner Moray Firth SPA from the Ardersier Port Limited proposal in isolation.

## 9.5 Moray Firth pSPA

- 9.5.1 SNH advised that the dredging operations will take place within the pSPA and this may cause disturbance and affect the foraging areas for these birds through changes in sediment movement and /or depositions which is likely to have a significant effect on the great northern and red throated diver, long tailed duck and eider duck qualifying interests of the site.

These species favour marine waters and do not use roost sites or intertidal feeding areas close to the proposed development, therefore changes in intertidal sediment movement and operational disturbance from non-dredge related works will not result in a level of disturbance that will lead to adverse effects on site integrity.

With regards to the dredging activities, these are scheduled to take place outwith the wintering period for birds of October to March inclusive. On this basis, the proposal will not adversely affect the integrity of the pSPA.

9.5.2 MS-LOT concur with the view of SNH that providing no dredging takes place between October and March inclusive, there will be no adverse effect on the integrity of the Moray Firth pSPA from the Ardersier Port Limited proposal in isolation.

9.6 In summary, SNH advises that the effects on the Moray Firth SAC and Dornoch Firth and Morrich More SAC can be sufficiently mitigated using the protocols detailed in the MMPP and the MMOP. With regards to the Inner Moray Firth SPA, providing the bunds are constructed in line with the documents provided by the applicant, the roost site will be sufficiently screened from the area of the Works to avoid a significant adverse effect. Providing dredging activities are not carried out between 01 October and 31 March, there will be no adverse effects on the Moray Firth pSPA. MS-LOT concur with the view of SNH that this project in isolation will not have an adverse effect on the integrity of the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Inner Moray Firth SPA or the Moray Firth pSPA.

9.7 As detailed in paragraph 3.3, as the Moray Firth pSPA has not yet been designated, it also falls within the regime governed by the first sentence of Article 4(4) of the Birds Directive as follows;

“In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.”

9.8 MS-LOT has considered the information contained within the Ardersier Port Limited proposal and the advice provided by SNH and conclude that the works will not cause pollution or deterioration of habitats and any disturbance will be negligible.

## **10 In-combination assessment**

10.1 MS-LOT have carried out an in-combination assessment to ascertain whether the Ardersier Port Limited 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, Inner Moray Firth SPA or Moray Firth pSPA.

The following projects currently have an active marine licence, section 36 consent, European protected species licence or seal licence and associated AA which identified a LSE on the qualifying interests of the Moray Firth SAC,

Dornoch Firth and Morrich More SAC, Inner Moray Firth SPA or Moray Firth pSPA.

## 10.2 BOWL

- 10.2.1 Installation and operation of the Beatrice Offshore Wind Farm which is located in the outer Moray Firth 13.5km from the Caithness coast. The total area of the development is 131.5km<sup>2</sup>. The eastern edge of the development site is adjacent to the proposed Moray Eastern Development Area comprising the proposed Telford Offshore Wind Farm, Stevenson Offshore Wind Farm and MacColl Offshore Wind Farm. The operational lifespan of the wind farm is expected to be 25 years.
- 10.2.2 The original application was for a design envelope of up to 277 wind turbine generators (“WTGs”), and a maximum generating capacity of up to 1,000 MW. This is the envelope that was considered in all advice from the SNCB’s and MSS up until 08 July 2013. Since consent was granted in 2014, the design has been revised and the development will comprise 84 turbines. Piling operations are now complete.
- 10.2.3 Also included in the infrastructure is:
- Up to a maximum of two AC and one DC Offshore Substation Platforms (“OSPs”)
  - Up to a maximum of three meteorological masts
  - Up to 350km of inter-array cabling linking turbines, OSPs and meteorological masts
- 10.2.4 The construction programme is expected to cover a period of three to five years. BOWL construction started in April 2017 and will continue until approximately the end of 2019.
- 10.2.5 A full BOWL project description can be found [here](#).
- 10.2.6 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC or Dornoch Firth and Morrich More SAC provided the conditions in the AA were implemented. MS-LOT have concluded that providing the mitigation identified in the AA for the BOWL project is adhered to along with the conditions in this AA, there will be no adverse effect on the Moray Firth SAC or the Dornoch Firth and Morrich More SAC from the Ardersier Port Limited proposal in combination with the BOWL works.



### 10.3 Moray Offshore East Development

- 10.3.1 The original design envelope was for up to 339 WTGs with a maximum generating capacity of up to 1,500MW. This is the envelope that was considered in all advice from the SNCB's and MSS up until 31 October 2013. Since this advice was received, continued discussions have led to a reduction in the design envelope. The reduced design envelope is for a maximum generating capacity of up to 1,116MW and for a maximum of 186 WTGs. The proposals are located on the Smith Bank in the outer Moray Firth (approximately 22km from the Caithness coastline, in water depths of 38 – 57m). The operational lifespan of the wind farms is expected to be 25 years.
- 10.3.2 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 WTGs 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.
- 10.3.3 Construction of the wind farms was proposed to occur from Q1 2016 to Q3 2020, however funding was not secured. As such construction is not likely to commence until 2020. A full project description for the Moray Offshore East Development can be found [here](#).
- 10.3.4 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC or the Dornoch Firth and Morrich More SAC. MS-LOT have concluded that providing the mitigation identified in the Moray Offshore East Development AA is adhered to as well as the conditions identified in this AA, there will be no adverse effect on the Moray Firth SAC or the Dornoch Firth and Morrich More SAC.

### 10.4 Moray East – Modified Offshore Transmission Infrastructure

- 10.4.1 The application submitted on 04 April 2014 is for the construction of the Operation in the Outer Moray Firth, consisting of:
- Up to 2 AC OSPs
  - Substructure and foundations for the OSPs
  - Inter-platform cabling within the three consented Telford, Stevenson and MacColl wind farms
  - Up to 4 triplecore submarine HVAC export cables between the OSPs and the shore

- 10.4.2 Works are due to start in July 2019 however, providing the conditions identified in this AA are adhered to along with the mitigation identified for the Moray East works, MS-LOT conclude that there will be no adverse effect on the integrity of the Moray Firth SAC or the Dornoch Firth and Morrich More SAC from in-combination effects.

10.5 Moray West Offshore Windfarm

- 10.5.1 Marine licences and s. 36 consent was granted for the construction and operation of the Moray West Offshore Wind Farm and associated infrastructure on 14 June 2019. The wind farm is located 22.5km 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 225km<sup>2</sup> comprised of no more than 85 WTG with a maximum generating capacity of around 850MW. Full details of the application as well as a description of the project can be found here.
- 10.5.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC and Moray Firth pSPA. MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC and Moray Firth pSPA as a result of the Moray West project in combination with the Ardersier Port Limited proposal.

10.6 Hywind Scotland Pilot Park

- 10.6.1 Five 6MW turbines have been installed approximately 25km off the coast at Peterhead, North East Scotland, just outside the 12 nautical mile territorial water limit. The project will be expected to produce up to 135GWh per year of electricity. The turbines are positioned between 800 to 1,600m apart and attached to the seabed by a three-point mooring spread and anchoring system. Three anchors are required per turbine and the radius of the mooring system extends 600 to 1,200m out from each turbine.
- 10.6.2 The turbines are connected by inter-array cables which may require stabilisation in some locations. The export cable, which transports electricity from the Pilot Park to shore at Peterhead, is buried where seabed conditions allow. Where this is not possible cable protection in the form of concrete mattresses and rock is required. Both the inter-array and export cables have 33kV transfer voltage. The export cable comes ashore at Peterhead and connects to the local distribution network at SSE Peterhead Grange substation. The onshore Project infrastructure comprises an underground cable approximately 1.5km in length and a small switchgear yard facility close to Peterhead Grange substation.

10.6.3 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC.. This project has now finished construction and moved into the operational phase. MS-LOT conclude their will be no adverse effect on site integrity of the Moray Firth SAC as a result of the Hywind project in combination with the construction works associated with the Ardersier Port Limited proposal.

#### 10.7 Aberdeen Harbour Expansion Project

10.7.1 Aberdeen Harbour Board (“AHB”) proposes to develop a new harbour facility at Nigg Bay, Aberdeen, approximately 0.8km south of the existing harbour in Aberdeen City centre. Their proposal includes construction of two breakwaters, quaysides and associated infrastructure as well as a large-scale capital dredge and dredge spoil deposit operation. Works commenced in late 2016 and are scheduled to take place over a 3-year period. Construction works began in May 2017 with the construction of the northern breakwater.

10.7.2 Dredging operations are expected to last until September 2019, which is when their dredging licence expires. Blasting operations are expected to commenced in late summer 2018 for a maximum of 7 consecutive months and discussions are currently underway with regards to future blasting operations. AHB are no longer undertaking any impact piling as they will be using rotary piling, which is thought to produce less noise. All marine elements of the works are scheduled to be complete by February 2020.

10.7.3 Full details of the project can be found in the documentation [here](#).

10.7.4 There is likely to be overlap between the dredging and blasting works at Nigg Bay and the dredging and quay wall construction works at Ardersier. This would result in the noisier operations occurring at the same time and would mean that quiet, respite areas within the dolphins range will be reduced. Noise levels have been individually assessed for the two projects and mitigation measures identified to reduce noise levels where possible which SNH have advised will avoid an adverse effect on the dolphin interest of the Moray Firth SAC.

10.7.5 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC provided that the conditions set out in the AA are complied with. MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC as a result of the Aberdeen Harbour expansion project in combination with the proposed Ardersier Port Limited proposal.

10.8 Montrose Port Authority - Construction of a new quay wall

- 10.8.1 The ongoing works include the construction of a new quay wall and hard standing area. The new quay wall is a piled structure installed using a combination of vibro and impact piling. If necessary, the existing quay wall will be removed before the area is infilled to form the final surface. The main piling works are currently underway and are scheduled to continue until November 2019.

The AA for this project concluded that would be no adverse effect on the site integrity of the Moray Firth SAC. Following the planned project schedule for the Works, there will only be a small temporal overlap in the works and thus providing the mitigation measures identified in the AA's for both projects are adhered to, there will be no adverse effect on the Moray Firth SAC as a result of the Montrose quay wall project in combination with the Ardersier Port Limited proposal.

10.9 European Offshore Wind Development Centre (EOWDC) – Aberdeen Bay Windfarm

- 10.9.1 The works involve the installation of a windfarm located between 2 and 4.5 km off the coast of Blackdog, consisting of 11 turbines, inter-array and export cables. Construction commenced in November 2017, beginning with foundations and cabling. All construction works have now been completed for this project and it is currently undergoing final testing. The works will be operational until 2032.

- 10.9.2 The AA for this project concluded that would be no adverse effect on the site integrity of the Moray Firth SAC. This project has now finished construction and moved into the operational phase. MS-LOT conclude their will be no adverse effect on site integrity of the Moray Firth SAC as a result of the EOWDC project in combination with the construction works associated with the Ardersier Port Limited proposal.

10.10 Forth and Tay Windfarm Developments

- 10.10.1 When considered collectively, the following developments are referred to as the "Forth and Tay Windfarm Developments":
- Neart na Gaoithe Offshore Windfarm Limited development ("NnGOWL"), approximately 15.5km to the east of Fife Ness in the outer Firth of Forth.

- Inch Cape Offshore Limited development (“ICOL”), approximately 15km to the east off the Angus coastline.
- Seagreen Alpha Wind Energy Limited development (“SAWEL”), approximately 27km off the Angus coastline.
- Seagreen Bravo Wind Energy Limited development (“SBWEL”), approximately 38km off the Angus coastline.

10.10.2 A full project description for each development can be found here:

[NNGOWL](#), [ICOL](#), [SAWEL](#), [SBWEL](#). These projects all received marine licences and consent under section 36 of the Electricity Act 1989 (as amended) in October 2014 (“the Original Consent”). These projects were not progressed due to delays associated with a judicial review and have all submitted applications for new section 36 consents and marine licences to reflect recent technological advances. Construction activities are not anticipated to commence in the near future.

10.10.3 The AA for the Forth and Tay Windfarm Developments concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC. Provided all projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC as a result of the Forth and Tay wind farms in combination with the Ardersier Port Limited proposal.

#### 10.11 NnGOWL (revised design)

10.11.1 In March 2018, NnG Wind Farm Limited submitted applications for marine licences and s.36 consent in respect of the revised design for the wind farm and offshore transmission infrastructure to take advantage of technological advancements in the time period since the original s.36 consent was granted. In December 2018, new s.36 consent and marine licences were granted and the development is expected to have an operational lifespan of 50 years. Construction activities are anticipated to take between 2020 and 2022.

10.11.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC providing the conditions in the AA are complied with. Provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC as a result of the NnGOWL project in combination with the Ardersier Port Limited proposal.

10.12 Inch Cape Offshore Limited (ICOL) (Revised design)

10.12.1 In June 2019 ICOL were granted a new section 36 consent and two marine licences in respect of the Inch Cape Offshore Wind Farm (Revised Design), which comprises fewer, larger turbines than the Original Consent. Construction activities are anticipated to take over the course of 24 months in a 3 year period starting in Q1 of 2021. The operational lifespan of the revised design is expected to be 50 years.

10.12.2 A full project description of the applications can be found [here](#).

10.12.3 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC. Provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC as a result of the ICOL development in combination with the Ardersier Port Limited proposal.

10.13 Caithness Moray Rock Placement

10.13.1 The works consist of the placement of rock protection along the route of the Caithness to Moray cable installed under previous consents. Deposits of 154,127 tonnes of crushed rock is proposed to be placed over the existing power cable bundle in areas of hard ground conditions. The rock placement activities will be executed by Dynamic Positioned Fall Pipe Vessels. Larger rocks (i.e. those that cannot be placed by fall pipe) will be placed on to the rock berm through use of a crane and large rock grab. The work will require the use of a Multi Beam Echo Sounder (“MBES”) system for pre- and post-work surveys, Ultra Short Baseline (“USBL”) positioning systems and beacons.

10.13.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC and Moray Firth pSPA. The rock laying works are scheduled to take place between 31 March 2018 and 31 August 2019 therefore there will be limited temporal overlap with the Ardersier Port Limited proposal. Provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC, Dornoch Firth and Morrich More SAC and the Moray Firth pSPA as a result of the rock placement in combination with the Ardersier Port Limited proposal.

10.14 Caithness Moray Cable – Geophysical Surveys and Positioning Equipment

10.14.1 The works require the use of geophysical equipment which emits sound and noise. This is required to enable the installation of the Caithness Moray cable. The works were initially licensed until 31 March 2018 however delays have meant that the works are now not scheduled to be complete until August 2019.

10.14.2 There is unlikely to be an overlap between the geophysical works and the Ardersier Port Limited proposal however providing the conditions in the AA for the SSE works and the conditions in the Ardersier AA are adhered to, there will be no adverse effect on the site integrity of the Moray Firth SAC.

10.15 Avoch Harbour Trust – Construction of a Groyne, Pontoon and Slipway

10.15.1 The groyne was constructed using armoured rock. The rock was transported to the harbour by road and positioned using a mechanical digger and the groyne completed in March 2017.

10.15.2 Installation of the pontoons was scheduled to begin in March 2019 at low tide. Rolled steel joints will be bolted to the inner harbour walls and attached to the walkways. The outer ends of the pontoon fingers will be anchored to the seabed with chains and concrete blocks. These works should be completed by October 2019.

10.15.3 The concrete work at the slipway will be carried out at low tide in March 2021/2022 using portable shuttering and ready mixed concrete.

10.15.4 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth pSPA. Provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth pSPA as a result of the Avoch Harbour works in combination with the Ardersier Port Limited proposal.

10.16 Technip – Installation of Forward Mooring System

10.16.1 The installation of a system comprising two moorings to support pipelay vessels at Evanton Spoolbase, Highland Deephaven in the Cromarty Firth. The moorings comprise of two, 350 tonne mooring buoys held to 13 tonne steepris anchors by 100m anchor chains. The chain will be held on the seabed by two, 5 tonne clump weights. The moorings were installed over a 3 day period in 2015 and remain in place under a marine licence.

10.16.2 The natural heritage concerns are related to the installation of the mooring system only so this project does not require any further consideration in relation to in-combination effects with the Ardersier Port Limited proposal.

10.17 Kincardine Offshore Windfarm Limited ("KOWL")

10.17.1 KOWL is a proposed demonstrator floating offshore windfarm development that is located to the south east of Aberdeen, approximately eight miles from the Scottish coastline. The development is considered a commercial demonstrator site, which will utilise floating semi-submersible technology to install seven turbines including a temporary data gathering platform of 2 MW. Therefore the turbines will be between 2 and 8 MW capacity. The proposal also includes inter-array cabling to the connection point at the onshore Redmoss substation, Altens, Aberdeen.

10.17.2 A full project description can be found [here](#). Construction works are currently ongoing for this project.

10.17.3 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC. MS-LOT has concluded that providing the mitigation identified in the AA for the Kincardine works is adhered to as well as the mitigation identified for the Ardersier Port Limited proposal, there will be no adverse effect on the Moray Firth SAC from the two projects in-combination.

10.18 Port of Cromarty Firth – Phase 4 Development

10.18.1 The works involve land reclamation to create 4.5Ha of laydown space to the west of the previously completed phase 3 development. A sheet piled wall will be installed along one face to create a new berth and rock armour revetment will be installed along the other two sides. A capital dredge of 110,000m<sup>3</sup> will be required along the toe of the revetment and at the new berth. An estimated 60,000m<sup>3</sup> of material will be re-used within the land reclamation and the remainder will be disposed of at the Sutors disposal site. The works are scheduled to take place between 01 November 2018 and 31 March 2020.

10.18.2 These works are in the vicinity of the Ardersier Port Limited proposal and will be taking place concurrently however providing mitigation measures identified in the Port of Cromarty Firth AA are adhered to as well as the conditions of the AA for the Ardersier Port Limited proposal, MS-LOT is satisfied that there will be no adverse effects on the Moray Firth SAC, the Dornoch Firth and Morrich More SAC or the Moray Firth pSPA from the two projects in-combination.



10.19 BEAR Scotland – Bridge Maintenance Works – Dornoch Bridge

10.19.1 This licence covers routing maintenance activities to be carried out on the bridge over a period of 5 years. The proposed activities include bridge levelling, resurfacing, minor concrete repairs, drainage cleaning, parapet repairs, bird guano removal, bearing renewal, expansion joint renewal, principle inspection and bridge level surveys. The majority of these works will be carried out from the upper surface of the bridge deck and only minor concrete repairs will take place in the intertidal zone. No works will take place in the subtidal environment. In most cases, activity duration will be less than a few weeks and no activity will be longer than 6 months.

10.19.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Dornoch Firth and Morrich More SAC providing the conditions in the AA are complied with. This project does not involve any in water works and each activity is short term and temporary. Therefore, providing the conditions identified in this AA and in the AA for the bridge maintenance works are adhered to, MS-LOT concludes that there will be no adverse effects on the Dornoch Firth and Morrich More SAC from the combination of the two projects.

10.20 BEAR Scotland – Bridge Maintenance Works – Kessock Bridge

10.20.1 This licence covers routing maintenance activities to be carried out on the bridge over a period of 5 years. The proposed activities include fender replacement, superstructure painting, cable stay painting, scour repairs, drainage cleaning, bird guano removal, structural bolt and weld renewal, mass damper re-tuning, pendel bearing inspection, cleaning and pressure washing superstructure, cable stay re-tensioning and minor bridge maintenance. Some activities will take place from the bridge deck and others will require access below the bridge deck. Fender replacement will be carried out in the intertidal areas and scour repairs will be carried out in the subtidal environment. Activity duration is likely to be less than 3 months in most cases, excluding bridge painting.

10.20.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC, the Dornoch Firth and Morrich More SAC, the Inner Moray Firth SPA or the Moray Firth pSPA providing the condition identified in the AA is adhered to. Therefore MS-LOT concludes that providing the conditions in this AA are also adhered to, there will be no adverse in-combination effects from the two projects.

10.21 Highland and Islands Airport – Sediment Sampling – Inverness Airport

10.21.1 These works will consist of 8 vibrocores, 8 in-situ cone penetration tests and 4 machine excavated trial trenches dug in the intertidal areas. This sampling will gather information to inform the installation of a new sea outfall at Inverness Airport. The works are scheduled to take place between February and August 2019.

10.21.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Inner Moray Firth pSPA providing the conditions in the AA are complied with. There may be a short temporal overlap between the sediment sampling works and the activities associated with the Ardersier Port Limited proposal. However provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes, there will be no adverse impact on the Inner Moray Firth pSPA from the combination of the two projects.

10.22 Moray West Offshore Windfarm – Geophysical Surveys

10.22.1 Geophysical surveys within the wind farm array area will take approximately 2 weeks to complete and UXO surveys in the same area, a further 3 weeks. Geophysical surveys will be undertaken along the cable route for approximately 6 weeks. The surveys will be used to determine ground conditions to inform the geotechnical design and ground modelling for the Moray West windfarm and cable corridor. The works are scheduled to commence in April 2019 and to take place over the following year.

10.22.2 The duration of operations for these works is limited to short periods and thus providing the conditions in the AA for the geophysical surveys are adhered to, along with the conditions in this AA, there will be no adverse effect on the Moray Firth SAC from the combination of the two projects.

10.23 Dredging operations

10.23.1 There are a number of dredging operations which were identified as having a LSE on the Moray Firth SAC. The table below summarises these projects.

**Table 4 Dredging operations identified as having a LSE on the Moray Firth SAC**

<b>Location of Dredge</b>	<b>Amount of Dredge Material</b>	<b>Dredge Spoil Deposit Area</b>	<b>Dates of Licence</b>
Portknockie	1000m <sup>3</sup>	Buckie	06 October 2016 – 05 October 2019
Findochty	2900m <sup>3</sup>	Buckie	06 October 2016 – 05 October 2019
Cullen	1000m <sup>3</sup>	Buckie	06 October 2016 – 05 October 2019
Hopeman	500m <sup>3</sup>	Burghead	06 October 2016 – 05 October 2019
Nigg Energy Park	6000m <sup>3</sup>	Sutors	27 March 2017 – 26 March 2020
Aberdeen Harbour	295,000 tonnes	Aberdeen	05 March 2019 – 04 March 2020
Montrose	246,000 tonnes	Lunan Bay	07 December 2018 – 06 December 2019
Cromarty Harbour Trust	3,840 tonnes	Sutors	01 October 2018 – 30 September 2019
West Harbour, Cromarty Firth	10000 tonnes	Sutors	23 May 2019 – 22 May 2022

10.23.2 The AAs for these projects concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC. No sea disposal is planned as part of the Ardersier Port Limited proposal. Provided all projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Moray Firth SAC as a result of the dredging operations in combination with the Ardersier Port Limited proposal.

#### 10.24 SMRU Seal research licence

10.24.1 The Scottish Ministers may grant a licence (a 'seal licence') authorising the taking of seals for scientific, research or educational purposes under Part 6 of the Marine (Scotland) Act 2010. SMRU applied for a licence to take seals in Scotland for scientific, research or educational purposes. The proposed activities are to be carried out between 01 February 2019 until 31 January 2020.

10.24.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Dornoch Firth and Morrich More SAC provided that

the conditions set out in the AA are complied with. Provided both projects are carried out in accordance with the conditions set out in their respective AAs, MS-LOT concludes that there will be no adverse effect on the site integrity of the Dornoch Firth and Morrich More SAC as a result of SMRU's seal research licence in combination with the Ardersier Port Limited proposal.

## **11 MS-LOT Conclusion**

- 11.1 MS-LOT conclude 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, the Dornoch Firth and Morrich More SAC, the Inner Moray Firth SPA or the Moray Firth pSPA from the Ardersier Port Development either in isolation or in-combination with other projects.**

## **SECTION 4: CONDITIONS**

### **12 Conditions required**

#### **12.1 Prior to the licensed works commencing**

- 12.1.1** The licensee must ensure that no marine construction works occur prior to the completion of the construction of the permanent dredge spoil storage bund, constructed above MHWS in accordance with drawing 670191-018, shown in appendix 1.

#### **12.2 During the works**

- 12.2.1** The licensee must ensure that all works are carried out in accordance with the approved Construction Environmental Management Document, dated 21 September 2018, with the exception of the provision of tern rafts unless a valid marine licence is held for the deposit of these tern rafts, and ensure that all mitigation measures listed are fully implemented. In the event that the licensee wishes to update or amend any of the protocols in the Construction Environmental Management Document, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

- 12.2.2 The licensee must ensure that no piling or dredging works take place in sea states greater than 3, or during periods of darkness or poor visibility unless a protocol has been agreed in writing with the licensing authority to protect the bottlenose dolphin feature of the Moray Firth SAC.
- 12.2.3 The licensee must ensure that no dredging activities take place between 01 October and 31 March inclusive each year.
- 12.2.4 The licensee must adhere to the approved Marine Mammal Protection Plan and Marine Mammal Observation Protocol, included within the Construction Environmental Management Document, dated 21 September 2018.
- 12.2.5 The licensee must ensure that any dredged material for storage is placed in the area shown on drawing 670191-018, shown in appendix 1.
- 12.2.6 The licensee must ensure that the stockpile of dredge material remains separate from the permanent dredge spoil storage bund to ensure that the stockpiled material can be removed without affecting the integrity of the bund.

## Appendix 5. Land storage area bund (Applicant drawing reference number 670191-018)

