



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

Urszula.Szupczynska@hes.scot
T: 0131 668 8653

Our ref:
Our case ID: 300019620
Your ref: 06859/06860
17 January 2019

Dear Sir/Madam

[Marine \(Scotland\) Act 2010](#)

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(As Amended\)](#)

[06859 - Ardersier Port Development, Nairn - Capital Dredging](#)

[06860 - Ardersier Port Development, Nairn - Construction works](#)

[EIA Report](#)

Thank you for your consultation of 21 December in relation to the above development proposal and its accompanying EIA Report. We have reviewed the consultation in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on this proposal. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C- listed buildings.

Proposed development

We understand that in January 2014, planning permission in principle, marine licences and a Harbour Revision Order were granted for the establishment of a port and port related uses for energy related services at the Former Fabrication Yard, Ardersier (the Proposed Development). The current application has been submitted by Ardersier Port Ltd to renew the existing planning permission in principle and for marine licences for the establishment of a port.

Our advice

We note that there is no Cultural Heritage chapter within the submitted EIA Report. Given that the development parameters of the consented proposal have not changed and that the proposal was previously assessed for its potential impacts on the historic environment and no significant adverse impacts were identified, we are content that there was no need for an updated cultural heritage assessment. In this context, we have no comments to make on the EIA Report.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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Our position

We do not object to the proposed port development at Ardersier.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska and they can be contacted by phone on 0131 668 8653 or by email on Urszula.szupczynska@hes.scot.

Yours faithfully

Historic Environment Scotland

Bamlett R (Rebecca)

From: David Mudie <David.Mudie@highland.gov.uk>
Sent: 20 February 2019 14:56
To: MS Marine Licensing
Cc: ePlanning
Subject: 18/05998/MAR - 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Attachments: 1804552PIP DECISION NOTICE.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

[FAO Sophia Irvine](#)

Sophia

Apologies for the delay in responding. The Council considered the most recent planning application associated with Ardersier Port at the South Planning Applications Committee on 20 February 2019. The Committee determined to Grant Planning Permission in Principle. Please find attached the Decision Notice. The Report of Handling can be found at https://www.highland.gov.uk/meetings/meeting/4085/south_planning_applications_committee . Minutes will be available at the meeting on 12 March.

On the basis of our decision to grant planning application we have no observations to make on the license application. We trust that Marine Scotland will consider the position of SNH in coming to its own recommendation on the license application and undertake the necessary Appropriate Assessment.

Regards

David

David Mudie
Area Planning Manager (South)
Development and Infrastructure
The Highland Council
Town House
Inverness

IV1 1JJ

Tel: 01463 785028

From: ePlanning
Sent: 18 February 2019 10:49
To: David Mudie
Subject: FW: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Importance: High

Hi David, as you are case officer for 18/05998/MAR – can you please respond.

Cheers M

From: MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]
Sent: 15 February 2019 16:47
To: ePlanning
Subject: FW: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Importance: High

Good afternoon,

Further to my email below, can you please provide a response.

Kind regards,

Sophia

From: Irvine S (Sophia)
Sent: 04 February 2019 12:29
To: eplanning@highland.gov.uk
Subject: FW: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Importance: High

Dear Sir/Madam,

I refer to the below emails in relation to the above consultation which ended on 27 January 2019. We do not appear to have received a copy of your response in our file. As the local authority is a statutory consultee I should be grateful if this could be provided at your earliest convenience.

Kind regards,

Sophia

From: MS Marine Licensing

Sent: 16 January 2019 12:14

To: 'south_highland@nature.scot' <south_highland@nature.scot>; 'planning.dingwall@sepa.org.uk' <planning.dingwall@sepa.org.uk>; 'navigationsafety@mcga.gov.uk' <navigationsafety@mcga.gov.uk>; 'navigation@nlb.org.uk' <navigation@nlb.org.uk>; 'general@fms.scot' <general@fms.scot>; 'RMerrylees@ukchamberofshipping.com' <RMerrylees@ukchamberofshipping.com>; 'RCarington@ukchamberofshipping.com' <RCarington@ukchamberofshipping.com>; 'marine@crownestatescotland.com' <marine@crownestatescotland.com>; 'hmconsultations@hes.scot' <hmconsultations@hes.scot>; 'eplanning@highland.gov.uk' <eplanning@highland.gov.uk>; 'ryascotland.org.uk' <ryascotland.org.uk>; 'pauline@ryascotland.org.uk' <pauline@ryascotland.org.uk>; 'planning.scotland@rspb.org.uk' <planning.scotland@rspb.org.uk>; 'renewables@sff.co.uk' <renewables@sff.co.uk>; 'info@scottishfishermen.co.uk' <info@scottishfishermen.co.uk>; 'scollin@scottishwildlifetrust.org.uk' <scollin@scottishwildlifetrust.org.uk>; Abercrombie F (Fred) <Fred.Abercrombie@transport.gov.scot>; Wilcock C (Chris) <Chris.Wilcock@transport.gov.scot>; Ferguson V (Val) <Val.Ferguson@transport.gov.scot>; 'sarah.dolman@wdcs.org' <sarah.dolman@wdcs.org>; 'info@ardersierandpetty.cc' <info@ardersierandpetty.cc>; 'cawdorandwestnairnshirecc@btinternet.com' <cawdorandwestnairnshirecc@btinternet.com>; FO Ullapool <FO.Ullapool@gov.scot>; Gilmour PD (Phil) <Phil.Gilmour@gov.scot>; 'laura.blackburn@visitscotland.com' <laura.blackburn@visitscotland.com>; 'Alastair.Campbell@bidwells.co.uk' <Alastair.Campbell@bidwells.co.uk>; 'planningconsultations@scottishwater.co.uk' <planningconsultations@scottishwater.co.uk>; 'science@hwdt.org' <science@hwdt.org>; 'm.morrison@sff.co.uk' <m.morrison@sff.co.uk>; 'harbours@highland.gov.uk' <harbours@highland.gov.uk>; 'info@morayfirth-partnership.org' <info@morayfirth-partnership.org>; Dryden S (Simon) <Simon.Dryden@gov.scot>; Main K (Keith) <Keith.Main@gov.scot>

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

I refer to the above marine licence consultation. Updated co-ordinates have now been provided and are attached above, I will ensure these are also uploaded to our website. Please accept my apologies for the delay.

Kind regards,

Sophia

From: MS Marine Licensing

Sent: 21 December 2018 15:38

To: 'south_highland@nature.scot' <south_highland@nature.scot>; 'planning.dingwall@sepa.org.uk' <planning.dingwall@sepa.org.uk>; 'navigationsafety@mcga.gov.uk' <navigationsafety@mcga.gov.uk>; 'navigation@nlb.org.uk' <navigation@nlb.org.uk>; 'general@fms.scot' <general@fms.scot>; 'RMerrylees@ukchamberofshipping.com' <RMerrylees@ukchamberofshipping.com>; 'RCarington@ukchamberofshipping.com' <RCarington@ukchamberofshipping.com>; 'marine@crownestatescotland.com' <marine@crownestatescotland.com>; 'hmconsultations@hes.scot' <hmconsultations@hes.scot>; **Redacted** <hmconsultations@hes.scot>; 'secretary@marinesafetyforum' <secretary@marinesafetyforum>; 'eplanning@highland.gov.uk' <eplanning@highland.gov.uk>; 'yascotland.org.uk' <pauline@ryascotland.org.uk>; 'planning.scotland@rspb.org.uk' <planning.scotland@rspb.org.uk>; 'renewables@sff.co.uk' <renewables@sff.co.uk>; 'info@scottishfishermen.co.uk' <info@scottishfishermen.co.uk>; 'scollin@scottishwildlifetrust.org.uk' <scollin@scottishwildlifetrust.org.uk>; Abercrombie F (Fred) <Fred.Abercrombie@transport.gov.scot>; Wilcock C (Chris) <Chris.Wilcock@transport.gov.scot>; Ferguson V (Val) <Val.Ferguson@transport.gov.scot>; 'sarah.dolman@wdcs.org' <sarah.dolman@wdcs.org>; 'info@ardersierandpetty.cc' <info@ardersierandpetty.cc>; 'cawdorandwestnairnshirecc@btinternet.com' <cawdorandwestnairnshirecc@btinternet.com>; FO Ullapool <FO.Ullapool@gov.scot>; Gilmour PD (Phil) <Phil.Gilmour@gov.scot>; 'laura.blackburn@visitscotland.com' <laura.blackburn@visitscotland.com>; 'Alastair.Campbell@bidwells.co.uk' <Alastair.Campbell@bidwells.co.uk>; 'planningconsultations@scottishwater.co.uk' <planningconsultations@scottishwater.co.uk>; 'science@hwdt.org' <science@hwdt.org>; 'm.morrison@sff.co.uk' <m.morrison@sff.co.uk>; 'harbours@highland.gov.uk' <harbours@highland.gov.uk>; 'info@morayfirth-partnership.org' <info@morayfirth-partnership.org>; Dryden S (Simon) <Simon.Dryden@gov.scot>; Main K (Keith) <Keith.Main@gov.scot>

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging
06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èigneachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunntadh sam bith mura h-eil sin air innse.

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Bamlett R (Rebecca)

From: navigation safety <navigationsafety@mcga.gov.uk>
Sent: 07 January 2019 15:55
To: MS Marine Licensing
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Follow Up Flag: Follow up
Flag Status: Completed

Dear Marine Scotland,

RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn

Thank you for the opportunity to comment on the potential impact of the above proposed works on the safety of navigation.

The Marine Licence application and supporting documentation have been considered by Navigation Safety Branch. On this occasion, the Maritime and Coastguard Agency (MCA) has no objection to consent being granted provided all maritime safety legislation is followed and the conditions/advisories below are applied:

Conditions:

1. The Licencee must ensure that HM Coastguard, in this case nmoccontroller@hmcg.gov.uk, The National Maritime Operations Centre is made aware of the works prior to commencement.

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
2. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
3. The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

If you require any further information please let me know.

Yours sincerely,



Navigation Safety Team
Maritime & Coastguard Agency
Spring Place, 105 Commercial Road, Southampton, SO15 1EG

Safer Lives, Safer Ships, Cleaner Seas



The Maritime and Coastguard Agency (MCA) will use your personal details to contact you about Navigational Safety as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission. To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to:

<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

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

Sent: 21 December 2018 15:38

To: south_highland@nature.scot; planning.dingwall@sepa.org.uk; navigation safety <navigationsafety@mcga.gov.uk>; navigation@nlb.org.uk; general@fms.scot; RMerrylees@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; **Redacted** eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org k; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; info@morayfirth-partnership.org; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

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Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Sophia Irvine
Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

ARDERSIER PORT DEVELOPMENT: ARDERSIER PORT DEVELOPMENT – MSS COMMENTS

Marine Scotland Science has reviewed the submitted application and has provided the following comments.

ornithology

We have considered the request and have no advice to provide.

marine mammals

MSS broadly agree with the comments and recommendations made by SNH. Additional comments and clarification are provided below.

With respect to the Moray Firth SAC population of bottlenose dolphins and the potential for cumulative impacts; MSS agree that additional consideration of the Nigg Bay Aberdeen harbour expansion project is required. MSS agree with, and have no additional comments on the proposed approach to do this, as outlined in Appendix I of SNH's advice ('Works Dialogue Protocol').

MSS agree with SNH that an Appropriate Assessment is required for the Moray Firth SAC and, given the mitigation measures described in the Marine Mammal Monitoring Plan (MMMP), the Marine Mammal Observation Protocol (MMOP), the Environmental Impact Assessment Report (EIAR) and the Construction Environment Management Document (CEMD), it is unlikely that this project will have adverse effects on the integrity of the site.

With respect to the Dornoch Firth and Morrich More SAC, MSS agree that seals from the SAC population are likely to be disturbed by the construction and operational phases of work. MSS agree with SNH that an Appropriate Assessment is required and, given the mitigation measures described in the MMMP, MMOP and CEMD, it is unlikely that this project will have adverse effects on the integrity of the site.

With respect to the designated seal haulout at Ardersier, MSS agree with SNH's comments and agree that the applicant should refer to Marine Scotland's 'Guidance on the Offence of Harassment at Seal Haul-out Sites'. MSS agree with SNH's recommendations regarding restrictions on activities during pupping and moulting, and that the MMMP is reviewed in the light of the Ardersier haulout being recently designated under the Marine (Scotland) Act 2010.

MSS agree with the conclusion that an EPS licence to disturb cetaceans will be required for the dredging and construction work. Giving consideration to the mitigation measures described in the MMMP, MMOP and CEMD, MSS do not envisage an impact on the Favourable Conservation Status (FCS) of bottlenose dolphins, harbour porpoises or transient cetacean species.

Comments relating to specific sections of relevant documents

Table 2.5 in the EIA (Chapter 2) does incorporate Nigg Bay, Aberdeen Harbour Expansion, but it is not provided in the list of projects to be included in the CIA in Section 2.06.

Technical Appendix 8.2, Section 2. Other available information includes the East Coast Marine Mammal Acoustic Study (ECOMMAS), which would have provided additional information on PAM of cetaceans in areas around Ardersier Port (<http://marine.gov.scot/information/east-coast-marine-mammal-acoustic-study-ecommas>).

Technical Appendix 8.2, Section 2.1. The baseline data presented are from outdated publications. More recent Site Conditioning Monitoring reports are available, for example. Although WDC are cited as an additional source, the sightings information provided in this section is from Seawatch, which is likely to be less comprehensive, given that WDC have regular dedicated watches at Chanonry Point (which is at close proximity to the proposed development). Nonetheless, had more recent data been included, MSS do not believe the conclusions would vary significantly.

Technical Appendix 8.2, Section 4. It is unclear as to what a 'suitably qualified Marine Mammal Observers (MMO)' is taken to mean. MSS recommend that this is clarified, and that any MMO working on this development has, as a minimum, the recognised JNCC MMO qualification.

Technical Appendix 8.2, Section 4.5.1. States the MMO shall take additional precautions if the sea state exceeds 2; however, it does not explicitly state what these additional precautions are. MSS acknowledge that a higher vantage point would be more beneficial for sighting marine mammals; however, this is not a solution to mitigating against higher sea states. MSS agree with SNH that the upper limit for MMO operations should not exceed a sea state of 3.

Technical Appendix 8.2, Section 4.6. MSS agree with SNH, that an MMO on the vessel would also be preferable. Harbour seals are particularly prone to vessel disturbance; MSS note that a buffer of 50 m is likely to be too small to avoid disturbance of hauled out harbour seals. However, given the wording 'if they display signs of disturbance.....vessels should turn off their engines and not approach any closer', the minimum buffer will ultimately be dictated by the seals' behaviour. MSS agree with SNH's recommendation that the developer should follow the best practice measures developed for dredging activities in the Cromarty Firth.

Technical Appendix 8.2, Section 4.7. The reporting section notes that "details of the PAM equipment and detections" will be reported on; however, there does not appear to be any information on PAM work to be undertaken within this section or any of the relevant documents supplied. MSS suggest that MS-LOT seek clarification on whether PAM will be used for monitoring and/or mitigation.

Technical Appendix 8.2, Section 6.1 The mitigation plan notes that additional caution will be used between July – August, with respect to the harbour seal breeding season. This should be extended from June through to August, to cover the full extent of the breeding season and the moult, at which times harbour seals are particularly prone to disturbance.

EIA, Chapter 10, Section 10.04 The fleeing speeds used for marine mammals were 3.35 ms^{-1} for the minke whale and 1.5 ms^{-1} for all other species of marine mammals. Scottish Ministers have advised that for fleeing speeds used in noise modelling, the SNH (2016) Assessing collision risk between underwater turbines and marine wildlife (SNH guidance note), is used. Therein, it is recommended that 2.21 ms^{-1} is used for minke whales, 1.4 ms^{-1} for harbour porpoise, 1.8 ms^{-1} for both species of seal, and 1.5 ms^{-1} for bottlenose dolphin (the latter is based on Bailey and Thompson, 2006*). Despite some of the values used being less conservative, had the values provided herein been used, MSS do not believe the conclusions would vary significantly.

*Bailey, H. and Thompson, P. (2006). Quantitative analysis of bottlenose dolphin movement patterns and their relationship with foraging. *Journal of Animal Ecology* 75: 456-465.

diadromous fish

Chapter 8 Marine Ecology, Technical Appendix 8.1 and the Habitats Regulations Appraisal Report correctly identify that emigrating salmon and sea trout smolts, and adult salmon and sea trout will be present in or adjacent to the development area at times. However, it is not made clear that there could be large numbers present, either emigrating from or returning to the Rivers Beaully and Ness (which has the River Moriston, which is a salmon SAC, as a tributary), which are major rivers for salmon and sea trout.

The main potential impact mechanisms during construction and maintenance are correctly identified as dredging (increased turbidity and sedimentation) and underwater noise (from piling and dredging) and with the proposed mitigation measures in place impacts on salmon and sea trout and on the River Moriston salmon SAC interest are assessed as being of Temporary Negligible Impact and Not Significant, with high confidence in the assessment.

Various information presented in the HRA report, which forms the basis of River Moriston salmon SAC being screened out from further consideration, may not be correct.

It is stated that adult salmon migrating/emigrating past the development site will do so in areas of deeper water i.e. along the contours of the navigation channel, and where tidal flows, local currents and sediment movement, and be unaffected by the development. It is not known whether this is the case.

It is correctly stated that disturbance-related impacts including from activities such as piling, dredging and disposal, increased vessel movements, water pollution, and increased plant machinery/site staff activity have the potential to result in the displacement of fauna from using habitats. However, the extent to which this happens for salmon and sea trout is not known and it is now known that salmon and sea trout are not readily displaced by underwater noise.

SNH does not consider the River Moriston SAC at all in its response, perhaps reflecting it being screened out by the developer. MSS suggests that clarification should be sought from SNH.

The assumption is made that in Chapter 10 Underwater Noise that, if there is mitigation in place to protect harbour porpoise (which is particularly sensitive to noise), then the same mitigation will be effective at protecting any other species present within the working area. MSS advise that this may require further consideration as salmon and sea trout may, as already noted, be less easily displaced.

As also already noted, there is the potential for large numbers of salmon or sea trout which could potentially be impacted by the activities to be present at the site under some conditions and at certain times of year. MSS advises that further assessment and consideration are needed, including in respect of best timing of activities, what to do if it is apparent that salmon or sea trout are present, and what to do if there is evidence of injury to fish in the vicinity. MSS advises that the Ness and Beauly District Salmon Fishery Boards should also be approached if they have not already been for information on when salmon and sea trout may be present at the site.

physical environment/coastal processes

Written advice has been requested with regard to the physical environment and coastal processes following the consultation period on the suitability of the assessments and mitigation proposal. The following comments relate to the coastal processes: EIA report Chapter 11 – Water environment. Please note that I have provided comments on development plans at this site in the past, and these comments should be read in conjunction with earlier submissions.

An EIA was submitted as an update of the original 2014 documents. The capital dredge consists of 2,300,000 m³ (75% sand, 23% pebbles/cobbles/boulders, 2% clay/silt), which will be used as a reinstatement to the inner spit (200,000 m³) and for an onshore storage site (2,100,000 m³). The material difference to the original license is an increase of 300,000m³ due to on-going sediment transport into the former navigation channel and the inner harbour. This increase is small though compared to the total amount of dredged material and therefore previous my comments still stand.

In Chapter 11 a coastal processes assessment for the proposed development has been presented, which is an update from the previous coastal investigation for developments consented in 2007 and 2013 at the site. I support the fact that model runs have been performed for 18 months of sand transport under present day (2018) conditions. The outcomes for the different components are:

Tidal regime:

“Overall, the impact of the proposed development on the tidal regime is considered to be of medium magnitude within the immediate vicinity of the site, low magnitude in the surrounds, and negligible magnitude within the wider Moray Firth.”

Wave Climate:

“Overall, the impact of the proposed development on the wave climate is considered to be of medium magnitude within the dredge zone and immediate vicinity, low magnitude in the surrounds, and negligible magnitude within the wider Moray Firth.”

Sediment transport:

“Overall, the impact on sediment transport and coastal morphology within immediate vicinity of the proposed dredge zone will be of medium magnitude, low magnitude in the surrounds, and further from the reinstated navigation channel the magnitude will be negligible.”

The impacts are the same during the operational phase as during the construction phase.

Given those updated results above with the impacts decreasing from medium to negligible magnitude as you move further away from the site, I agree that the proposed development will result in significant effects in relation to the water environment, but that the effects will be concentrated at the head of the spit and that a large proportion will be subject to negligible impact.

I had no objections against the last license applications and have no further comments at this stage. The information listed above is given in good faith using the limited data available to the Oceanography Group.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box at MS_Renewables@gov.scot

Yours sincerely

Redacted

Paul Stainer

MSS

Northern Lighthouse Board

Your Ref: 06859/06860
Our Ref: GB/W7_02_022

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk



Sophia Irvine
Marine Licensing Officer
Marine Scotland – Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

22 January 2019

Dear Sophia

**MARINE (SCOTLAND) ACT 2010 – PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)
ARDERSIER PORT LIMITED – CAPITAL DREDGING/LAND DISPOSAL AND
CONSTRUCTION WORKS, AT ARDERSIER PORT, ARDERSIER**

Thank you for your e-mail correspondence dated 21 December 2018 regarding the application submitted by **Ardersier Port Limited** for consent to undertake capital dredging with land disposal of dredged spoil and construction works to the main quay at Ardersier Port, Ardersier.

Northern Lighthouse Board has no objections to the proposed construction works, dredging and/or disposal operations, and would advise the following:

Dredging and Disposal (06859)

- Marine safety information as considered appropriate is issued prior to the commencement of the dredging campaign.
- **Ardersier Port Limited** inform the UK Hydrographic Office (sdr@ukho.gov.uk) of the revised water depths.

Main Quay Construction (06860)

- Marine safety information as considered appropriate is issued prior to the commencement of the construction works, clearly stating the nature and duration of the works.
- In addition to the planned buoyage, **Ardersier Port Limited** may wish to establish fixed aids to navigation. Northern Lighthouse Board would be happy to advise further.
- **Ardersier Port Limited** should issue a Notice to Mariners clearly stating the 'as-laid' positions of the buoys within the buoyed channel.

Marine Scotland

22 January 2019

- On completion of the main quay construction works, a copy of the 'as built' plans along with the 'as-laid' positions of the buoyed channel should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated chart can be revised accordingly.

Yours sincerely

Redacted

Peter Douglas
Navigation Manager

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Bamlett R (Rebecca)

From: Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>
Sent: 07 January 2019 09:30
To: MS Marine Licensing
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sophia,

I write to inform you that RYA Scotland has no objections to this application.

Kind Regards

Pauline

Pauline McGrow
Senior Administrator
Tel: 0131 317 4611

Royal Yachting Association Scotland
T: 0131 317 7388
E: pauline.mcgrow@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
T: 0131 317 7388, Fax: 0844 556 9549

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From: MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]

Sent: 21 December 2018 15:38

To: south_highland@nature.scot; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; **Redacted** eplanning@highland.gov.uk; secretary@marinesafetyforum.org; Pauline McGrow <Pauline.McGrow@ryascotl land@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwtdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; info@morayfirth-partnership.org; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging
06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Bamlett R (Rebecca)

From: Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>
Sent: 17 January 2019 14:36
To: MS Marine Licensing
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sophia,

I write to inform you that RYA Scotland still has no objections.

Kind Regards

Pauline

Pauline McGrow
Senior Administrator
Tel: 0131 317 4611

Royal Yachting Association Scotland
T: 0131 317 7388
E: pauline.mcgrow@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
T: 0131 317 7388, Fax: 0844 556 9549

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From: MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]

Sent: 16 January 2019 12:14

To: south_highland@nature.scot; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@ukchamberofs ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; **Redacted** eplanning@highland.gov.uk; secretary@marinesafetyforum.org; Pauline McGrow <Pauline.McGrow@ryascotl land@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; info@morayfirth-partnership.org; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

I refer to the above marine licence consultation. Updated co-ordinates have now been provided and are attached above, I will ensure these are also uploaded to our website. Please accept my apologies for the delay.

Kind regards,

Sophia

From: MS Marine Licensing

Sent: 21 December 2018 15:38

To: 'south_highland@nature.scot' <south_highland@nature.scot>; 'planning.dingwall@sepa.org.uk' <planning.dingwall@sepa.org.uk>; 'navigationsafety@mcga.gov.uk' <navigationsafety@mcga.gov.uk>; 'navigation@nlb.org.uk' <navigation@nlb.org.uk>; 'general@fms.scot' <general@fms.scot>; 'RMerrylees@ukchamberofshipping.com' <RMerrylees@ukchamberofshipping.com>; 'RCarington@ukchamberofshipping.com' <RCarington@ukchamberofshipping.com>; 'marine@crownestatescotland.com' <marine@crownestatescotland.com>; 'hmconsultations@hes.scot' <hmconsultations@hes.scot>; 'eplanning@highland.gov.uk' <eplanning@highland.gov.uk>; 'yascotland.org.uk' <pauline@ryascotland.org.uk>; 'planning.scotland@rspb.org.uk' <planning.scotland@rspb.org.uk>; 'renewables@sff.co.uk' <renewables@sff.co.uk>; 'info@scottishfishermen.co.uk' <info@scottishfishermen.co.uk>; 'scollin@scottishwildlifetrust.org.uk' <scollin@scottishwildlifetrust.org.uk>; Abercrombie F (Fred) <Fred.Abercrombie@transport.gov.scot>; Wilcock C (Chris) <Chris.Wilcock@transport.gov.scot>; Ferguson V (Val) <Val.Ferguson@transport.gov.scot>; 'sarah.dolman@wdcs.org' <sarah.dolman@wdcs.org>; 'info@ardersierandpetty.cc' <info@ardersierandpetty.cc>; 'cawdorandwestnairnshirecc@btinternet.com' <cawdorandwestnairnshirecc@btinternet.com>; FO Ullapool <FO.Ullapool@gov.scot>; Gilmour PD (Phil) <Phil.Gilmour@gov.scot>; 'laura.blackburn@visitscotland.com' <laura.blackburn@visitscotland.com>; 'Alastair.Campbell@bidwells.co.uk' <Alastair.Campbell@bidwells.co.uk>; 'planningconsultations@scottishwater.co.uk' <planningconsultations@scottishwater.co.uk>; 'science@hwdt.org' <science@hwdt.org>; 'm.morrison@sff.co.uk' <m.morrison@sff.co.uk>; 'harbours@highland.gov.uk' <harbours@highland.gov.uk>; 'info@morayfirth-partnership.org' <info@morayfirth-partnership.org>; Dryden S (Simon) <Simon.Dryden@gov.scot>; Main K (Keith) <Keith.Main@gov.scot>

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging
06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Our ref: PCS/163048
Your ref: 06859 and 06860

If telephoning ask for:
Aden McCorkell

22 January 2019

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: ms.marinelicensing@gov.scot

Dear Ms Irvine

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Licence applications: 06859 and 06860
Ardersier Port Development - Capital Dredging and Construction Works
Ardersier, Nairn**

Thank you for your consultation email which SEPA received on 21 December 2018.

Advice for the determining authority

We note that we previously reviewed the Environmental Impact Assessment Report as part of planning application 18/04552/PIP and asked that the Planning Authority attach a series of conditions to any grant of consent (PCS/161650), including a requirement for any subsequent planning application or phases of development to include site specific details of the SuDS proposed for each working zone (in the form of a detailed plan and drainage impact assessment).

In regards to the specific works associated with the marine licence applications, we would direct you to our Standing Advice for this development.

If there are any specific issues which are not covered by our standing advice that you would like advice on then please feel free to re-consult us on those aspects, highlighting the advice required.

If you have any queries relating to this letter, please contact me by telephone on 01349 860353 or e-mail at planning.dingwall@sepa.org.uk.

Yours sincerely

Aden McCorkell
Part time Senior/Planning Officer
Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

24^h January 2019

Our ref: A2837652

By email: ms.marinelicensing@gov.scot

Dear Sophia

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)**

**06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging
06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction
works**

Thank you for consulting us on the above marine licence applications.

SUMMARY

There are natural heritage interests of international importance on the site, but in our view, these will not be adversely affected by the proposal.

BACKGROUND

We have been in consultation with the current and former applicants regarding development at this site for over 10 years. During this time we have provided detailed comments on the various development plans that have been proposed. Our previous correspondence provides further context and detail and we therefore recommend that this letter is read in conjunction with earlier submissions, which are available from us on request. Our response to the Scoping Report dated 1st May 2018 and our response to the original proposal dated 15th November 2013 are particularly pertinent to this application. We have also recently responded to the renewal of planning permission 18/04552/PIP (see [here](#)) for the same development with the same application details. This response is therefore similar to our response to the planning authority.

The aim of this application is to identify the environmental aspects where there have been new baselines, methodologies, legislative or other changes since the previous application (and Environmental Impact Assessment) in 2013. The scope of this response is to comment on these new aspects.

Scottish Natural Heritage, Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB
Tel: 01463 701610 www.nature.scot

Dualchas Nàdair na h-Alba, Slighe Fodhraidh, Pàirc Gnìomhachas Inbhir Pheofharain,
Inbhir Pheofharain IV15 9XB Fòn: 01463 701610 www.nature.scot

We understand that the relevant, extant conditions from the former marine licences (Licence Refs: 04850/16/0 and 04851/16/0) will be carried over to any new consents granted. Please let us know if this is not the case. Condition 42 of Marine Licence Ref: 04850/16/0 is particularly important; this states that “Prior to the working becoming operational, The Licensee must submit an Operational Environmental Management Programme (OEMP) for written approval...”. This is also a requirement of the Harbour Revision Order and Condition 15 of planning permission 13/01689/PIP. The need to prepare the OEMP should be included in any marine licence(s) granted for this current proposal, not least because this will address the ongoing requirement for maintenance dredging and the implications that this will have for the natural heritage. Careful planning regarding future maintenance dredging will be critical in order to avoid impacts on designated sites.

APPRAISAL OF THE IMPACTS OF THE PROPOSAL AND ADVICE

The current proposal could affect the Moray Firth Special Area of Conservation (SAC) dolphin interest, the Dornoch Firth and Morrich More SAC common seal interest, the Inner Moray Firth Special Protection Area (SPA) and the Moray Firth proposed SPA (pSPA). Further information on the qualifying interests of these sites can be found on our website at sitelink.nature.scot/home.

The site's status means 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 the SAC, SPA and pSPA before it can be consented. Our website has a summary of the legislative requirements (<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

Moray Firth SAC – bottlenose dolphins

In our view, this proposal is likely to have a significant effect on the bottlenose dolphin interest of the site. This is due to disturbance from piling, dredging and vessel movements from both the construction and operational phases of the development. In-combination impacts with other developments within the dolphins' range, especially the development at Nigg Bay, Aberdeen must also be considered. The Nigg Bay Aberdeen proposal was not in existence at the time of the former planning application in 2013.

As a consequence of the above points Marine Scotland is required to carry out an appropriate assessment in view of the site's conservation objectives.

To help you do this we advise that, in our view the mitigation measures described in the Marine Mammal Protection Plan (MMPP), the Marine Mammal Observation Protocol (MMOP), the Environmental Impact Assessment Report (EIAR) (Chapter 6, Shipping and Navigation) and the Construction Environment Management Document (CEMD) will avoid adverse effects on the integrity of the site.

We have provided further comments on in-combination effects and mitigation measures in Annex 1.

Dornoch Firth and Morrich More SAC

Common seals from the Dornoch Firth and Morrich More SAC could be present close to the proposed development and at the designated haulout site at Ardersier. As a consequence seals are likely to be disturbed from the construction and operational phases of work including piling, dredging and vessel and onshore vehicle movements. We therefore agree with the conclusions of the Habitats Regulations Appraisal that this proposal will have likely significant effects on the Dornoch Firth and Morrich More SAC common seal population. Consequently, Marine Scotland is required to carry out an appropriate assessment in view of the site's conservation objectives for common seal.

To help you do this we advise that, in our view, based on the mitigation measures described in the MMPP, the MMOP and the CEMD, the proposal will not adversely affect the integrity of the site. This is because the SAC is *circa* 50km from the development and therefore only a small proportion of the SAC population is likely to be using the Ardersier haulout at any one time and the proposed mitigation will reduce impacts on those animals that are in the vicinity.

Designated Seal Haulout - Ardersier

Ardersier was designated as a haulout site under The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014 in September 2014 i.e. after the previous EIA in 2013. Designated haulout sites provide additional protection for seals from intentional or reckless harassment. The seal haulout at Ardersier holds 20% of the Moray Firth population of common seals and is seen as the most important haulout for this species, not only in the Moray Firth but on the east coast of Scotland. Although the applicant makes several references of potential impacts to animals using this haulout, there is no quantitative assessment of the implications of disturbance. The applicant should refer to Marine Scotland's guidance on the 'Offence of Harassment at Seal Haul-out Sites' – see <https://www2.gov.scot/Resource/0045/00452869.pdf>.

The importance of this haulout, and the fact that the population of common seals in the Moray Firth is classed as 'unfavourable', means that serious consideration is needed to minimise disturbance at the haulout during the most sensitive times of the year (i.e. June to August). This could be done by restricting dredging and piling activities closest to the haulout during late June/early July (pupping time) and early August (moulting time). This could be informed through observations on site such that if no seal pups are seen or they are using areas of the sands further away from the channel, then it would be safe to undertake works. We recommend that the MMPP is reviewed in the light of the new Ardersier haulout prior to work commencing so that the disturbance is kept to a minimum.

We have provided further detailed comments on common seals in Annex 1.

Moray Firth pSPA

In July 2014, Scottish Government announced proposals for a suite of marine SPAs to help protect marine birds that use the seas around Scotland. They subsequently gave approval to consult on the proposals and the sites are now [proposed SPAs](#). It is Scottish Government policy to protect [proposed SPAs](#) as though they are classified sites. The Moray Firth pSPA has therefore arisen after the previous EIA in 2013.

In our view, this proposal 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. This is because 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 deposition. Consequently, Marine Scotland is required to carry out an appropriate assessment in view of the site's conservation objectives.

To help you do this we advise that, in our view, based on the information provided, the proposal will not adversely affect the integrity of the site. This advice is given because the capital dredge works will take place outwith the wintering period. Furthermore, these bird 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.

Inner Moray Firth SPA

In our view, this proposal is likely to have a significant effect on bar-tailed godwit, curlew, oystercatcher and redshank that roost and feed within and close to the site. This is because a) the capital dredge will remove supporting habitats and affect foraging areas through

changes in sediment movement and deposition and b) there will be disturbance arising from the onshore stockpiling and subsequent management of dredged material. Consequently, Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that, in our view, based on the information in the Coastal Processes Report and the mitigation measures described in the CEMD, the Ecological Impact Assessment - Terrestrial Ecology & Ornithology report and the Natural Heritage Management Plan, the proposal will not adversely affect the integrity of the site.

As far as changes in sediment movement and deposition are concerned the Coastal Processes Report (Technical Appendix 11.2, Figures 4.12 and 5.8) compares the predictions with and without capital dredging. This predicts that much of Whiteness Sands is likely to be generally stable in extent and elevation, with any *net* change after capital dredging likely to be minor. We do not dispute these predictions. Most importantly, the changes theoretically attributable to capital dredging are likely to be within natural variability. For these reasons, coastal-process effects of capital dredging would not amount to significant adverse impacts on the Whiteness Sands component of the SPA.

As far as disturbance arising from the onshore stockpiling of material is concerned, the commitment to construct permanent and temporary bunds to screen the Whiteness Sands roost site from the development area will be fundamental to avoid adverse impacts on the SPA¹. Further details about the design and location of the bunds, as well the timing of their construction/removal is required to ensure that they achieve the desired mitigation outcomes. We recommend that the applicant discuss these details with us (and the Ecological Working Group) prior to the works commencing.

EUROPEAN PROTECTED SPECIES (EPS)

We agree that an EPS licence is required for this work. With the mitigation measures described in the MMPP, the MMOP and the CEMD in place, we advise that the proposal will not impact on the Favourable Conservation Status (FCS) of bottlenose dolphin, porpoise or transient cetacean species.

COASTAL GEOMORPHOLOGY

Projections of future coastal change from Dynamic Coast², which are new since the previous EIA in 2013, suggest that ongoing erosion could have implications for the sustainability of the port development during its lifetime. This information was made available to the applicant at the scoping stage. It is important because virtually the whole spit has seen significant erosional retreat in recent decades, and ongoing Dynamic Coast analysis strongly indicates this will continue. The erosion rate is likely to accelerate due to sea-level rise, with increasing risk of storm waves breaching distal parts of the spit. This could, within the lifetime of the proposed port, significantly reduce the natural protection against the sea that it gains from the spit. In that scenario, the effects on operations and viability could well create demand for engineered coastal defences along the spit. Alongside serious challenges in terms of cost, performance and ongoing maintenance, such defences could have a major impact on the designated coastal geomorphology interests present.

Our response to the original port proposal (dated 15th November 2013) explained that the area of the spit that will be lost due to dredging would result in damage to the national interest of the Whiteness Head SSSI. This proposal will also result in damage to the national interest of the SSSI. However, in our letter of 15th November 2013, we recognised the social

¹ Technical Appendix 3.3: CEMD, Appendix A – Schedule of Mitigation Ref 18 (pdf p.32). Technical Appendix 7.1: EcIA Terrestrial Ecology & Ornithology, 7.3.1 report page 55, para 3 (pdf p.59) and 8.2 report page 58, last para (pdf p.62). Technical Appendix 7.7: Natural Heritage Management Plan 2.2 Section 7, report page 23, para 3 (pdf p.27) Appendix B - Drawing 670191-018 (pdf p.37).

² Dynamic Coast <http://www.dynamiccoast.com/>

and economic benefits of the proposal and we applied our balancing duties and as a consequence of this we decided not to object to the proposal on the basis of damage to the SSSI features. Whilst this position also applies now, our balancing duty assessment did not consider possible future engineering work along the rest of the spit to the east. Our balancing duty assessment may therefore need to be reviewed subject to future plans and proposals put forward by the applicant.

In addition to Dynamic Coast there have also been a number of new national policies³⁴⁵ that put in place requirements for public bodies and developers to recognise and plan for rising sea levels and coastal change. In this instance, these policies require Marine Scotland to consider whether this development is sustainable in the light of anticipated erosion. We are able to advise further on these aspects if you wish. We have also provided further comments on coastal geomorphology in Annex 1.

CONCLUSION

We welcome the constructive approach which the applicant has taken in response to our previous advice and their willingness to work with us to resolve issues. We are keen to continue to work closely with the competent authorities and the applicant as the development moves forward.

Please contact me if you have any questions or require further clarification on this letter.

Yours sincerely,

BEN LEYSHON
Operations Officer
South Highland
ben.leyshon@nature.scot

Copied to: Planning.Dingwall@sepa.org.uk

³ Scottish Government 2014, Scottish Planning Policy (especially paragraph's 88 and 89)
<https://www.gov.scot/publications/scottish-planning-policy/>

⁴ Scottish Government 2014, National Planning Framework (especially paragraph's 3.39 and 4.7)
<https://www.gov.scot/publications/national-planning-framework-3/>

⁵ Scottish Government 2015, National Marine Plan (especially High Level Marine Objective 6 and general principle 8) <https://www.gov.scot/publications/scotlands-national-marine-plan/>

ANNEX 1

ADDITIONAL ADVICE

MARINE MAMMALS

In combination assessment

- In relation to in-combination impacts we note that the dredging and quay wall construction activities at Ardersier could coincide with blasting and dredging works at Nigg Bay in Aberdeen. This would result in these 'noisier operations' occurring at the same time and, as a consequence, quiet, respite areas within the core sites of the dolphins range will be reduced.
- We appreciate that noise levels have been assessed individually for these projects and mitigation measures have, or will, be put in place to ensure disturbance is minimised through the respective MMPP's. These measures will avoid adverse effects on the integrity of the Moray Firth SAC, including when the Ardersier proposal is considered in combination with Nigg, Aberdeen. However to ensure that any potential in-combination effects are minimised as far as possible the applicant has committed to prepare a 'Works Dialogue Protocol' with the Nigg Bay, Aberdeen developer. This would involve active communication between the two projects and consultation with the Ardersier Port Ecological Steering Group. Assuming that developers at Nigg Bay, Aberdeen agree to a collaborative working approach, an initial meeting would be arranged between Ardersier Port and the Nigg Bay developers with respective Ecological Clerk of Works present, where the programmes for both projects would be reviewed to identify any overlaps of potential concern, along with the mitigation and monitoring measures in place. The performance of the mitigation measures and findings from the monitoring of activities would be considered along with the measures set out in the MMPP. This collaborative working would aim to review, and if necessary update the MMPP in order to further minimise and mitigate any potential impacts. Regular communication would continue through periods of programme overlap, with minutes of meetings being made available to the Ecological Steering Group.
- We recommend that the applicants' commitment to the 'Works Dialogue Protocol' should be included as a condition of any consent granted.

Mitigation

- We note the adapted Marine Mammal Observer (MMO) procedures and the additional measures in place to try and locate porpoise in sea states over 2. However the applicant still has sea state 4 as the upper limit for MMO operations – this should be no higher than sea state 3.
- We note and support the additional mitigation included in the Dredge Disposal Protocol; specifically: *"An additional MMO should be positioned at Whiteness Sands to monitor seal activity at the Ardersier haul-out site prior to dredge vessels approaching to dispose of dredge material. The incoming vessel will radio/call the MMO to check seal activity and if/where it is safe to approach. A buffer of approximately 50m between vessels and hauled-out seals should be adopted where possible; however the MMO should also monitor the behaviour of the seals when vessels approach. If they display signs of disturbance (increased alertness, agitation and stampeding into the water) vessels should turn off their engines and not approach any closer"*. In addition to this we recommend that the best practise measures developed for dredging activities in the Cromarty Firth should be followed (e.g. MMO watch around the vessel itself).

COASTAL GEOMORPHOLOGY

- Detailed sediment movement monitoring is essential given that the proposed development lies within a coastal landform complex that would function semi-naturally and would provide natural coastal defence. We recommend that the Sediment Transport Monitoring Plan (STMP) should continue to be incorporated into any renewal licence granted. We recommend that this Plan is revised to take account of our comments of 10th July 2017 (available on request).
- The new hydro-sedimentary modelling has greater resolution and an 'adaptive bed' (i.e. water depth iterated by seabed deposition and erosion) allowing detailed plots of bathymetry change. However, Tech Appendix 11.2 does not discuss the effects of these improvements, something we recommended to the applicant during pre-application discussions. The new modelling has not led to radical changes in assessment. That the previous concept of a 'closed [sedimentary] system' has been succeeded by a more nuanced concept may be due as much to a change in interpretation as to the revised model outputs.
- As in 2013, the modelling suffers from generic limitations and very site-specific simplifications: e.g. gravel transport and shoreline change are both ignored. However, most of the general trends 'predicted' are reasonable in pattern, if not in magnitude.

Bamlett R (Rebecca)

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 15 February 2019 17:09
To: Irvine S (Sophia)
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Attachments: The Highland Council. Consultation on Application 18_01411_SCOP - SNH Re....pdf; Ardersier - Revised EIA - Transport Scotland - SNH response - 15 Novembe....pdf; ufm7.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Sophia

Apologies for the delay in getting back to you on this.

I have attached our response to the scoping report dated 1st May 2018 and our response to the original proposal dated 15th November 2013.

The letter dated 15th November 2013 is the same as our response of the same date.

I note that our comments on the Sediment Transport Monitoring Plan dated 10th July 2017 were in fact internal advice from our coastal geomorphologist to one of our operations officers, but I cannot find a reference that these comments were passed on to either MS-LOT or the applicant at that time. I have therefore not included these comments here and I retract the need for you to refer to them as per our last response dated 24th January 2019, Annex 1, Coastal Geomorphology, paragraph 1.

For your information I have also attached a copy of The Highland Council Decision Notice for planning application number 18/04552/PIP which covers the planning aspects of this case. I appreciate you have probably already been sent a copy of this by the Council. Whilst the Decision Notice addresses our comments through conditions, we note that there was no direct mention about the new national policies that put in place requirements for public bodies and developers to recognise and plan for rising sea levels and coastal change. We recognise that given the nature of the proposal this aspect is more pertinent for MS-LOT than the Council. The requirements for public bodies relates to our comments in the final paragraph of the Coastal and Geomorphology section of our response to you dated 24th January 2019. We can advise further on these aspects if you wish.

Please let me know if you have any questions.

Best regards,

Ben

Ben Leyshon | Operations Manager

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01349 860645 | dd: 01463 701613 | cisco: 7001613

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From: Sophia.Irvine@gov.scot [mailto:Sophia.Irvine@gov.scot]

Sent: 15 February 2019 16:43

To: Ben Leyshon

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Ben,

Just wondering if you are able to provide the below?

Many thanks,

Sophia

From: Irvine S (Sophia)

Sent: 11 February 2019 16:20

To: Ben Leyshon <Ben.Leyshon@nature.scot>

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Ben,

Thank you for your response in relation to the above. I note from your response it should be read in conjunction with your previous responses and these are available on request. Are you able to provide copies of these?

I have noted the correspondence mentioned in your response below, if I have missed any correspondence which you have referred to please send these across too.

- Response to Scoping Report dated 1st May 2018;

- Response to the original proposal dated 15th November 2013; and
- Letter dated 15th November 2013; and
- Comments on Sediment Transport Monitoring Plan dated 10th July 2017.

Many thanks for your assistance.

Kind regards,

Sophia

Sophia Irvine
Marine Licensing Casework Officer
[Marine Scotland](#) - Marine Planning & Policy

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

Direct Line: +44 (0)131 244 1730
General Enquiries: +44 (0)300 244 5046
Email: sophia.irvine@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



From: Ben Leyshon <Ben.Leyshon@nature.scot>

Sent: 24 January 2019 15:28

To: MS Marine Licensing <MS.MarineLicensing@gov.scot>

Cc: Planning Dingwall <Planning.Dingwall@sepa.org.uk>

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

[FAO Sophia](#)

Please find attached our response to the above marine licence consultation.

Best regards,

Ben

Ben Leyshon | Operations Officer

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01349 860645 | dd: 01463 701613 | cisco: 7001613
Inbhir Pheofharain | Slighe Fhodhruidh | Pàirc Gnothachais | Inbhir Pheofharain | Inbhir Pheofharain | IV15 9XB
[nature.scot](#) – Connecting People and Nature in Scotland – [@nature_scot](#)

From: MS.MarineLicensing@gov.scot [<mailto:MS.MarineLicensing@gov.scot>]

Sent: 21 December 2018 15:38

To: SOUTH_HIGHLAND; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@Carington.ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; [Redacted](#) [m](#); eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; Moray Firth Partnership; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging

06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Bamlett R (Rebecca)

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 25 March 2019 14:43
To: Msika L (Louise)
Subject: FW: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019
Attachments: Final Licence.pdf; RE: Ardersier

Dear Louise

Please accept my apologies for not responding earlier to your email below. I have now provided responses to each question.

I hope this is sufficient for your purposes and will allow you to process the marine licence application insofar as our interests are concerned.

Let me know if you have any further questions.

Best regards,

Ben

Ben Leyshon | Operations Manager

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01349 860645 | dd: 01463 701613 | cisco: 7001613
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From: Louise.Msika@gov.scot [mailto:Louise.Msika@gov.scot]

Sent: 07 March 2019 18:35

To: Ben Leyshon

Cc: Sophia.Irvine@gov.scot

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Ben,

Thanks for your response. We have reviewed the information that you have provided and have identified a number of points on which it would be helpful if you could provide clarification. These are grouped and listed below.

Transfer of old licence conditions

- Your response mentioned an assumption that conditions from the old licence would be carried over to the any new licence. Please can you clarify which conditions you are referring to specifically? As this is a new application, the conditions for the licence (if granted) will be drafted afresh and the wording of the conditions may not necessarily reflect the old licences. [In our letter of 24th January 2019 we specifically referred to Condition 42 of Marine Licence Ref: 04850/16/0 as being particularly important. Also, please note our comment below under the Moray Firth SAC heading i.e. that the CEMD collates the mitigation measures in the various chapters of the EIAR and we are therefore happy for that to form the basis of any marine licence conditions.](#)
- Any future maintenance dredging will be subject to further marine licence applications which will be consulted on. Please confirm you are content that this meets your requirements rather than needing an OEMP? [The intent behind this comment was to encourage the applicant to take a long term view of likely future maintenance dredging requirements. If for example future maintenance dredge material was used to prevent erosion of the spit by placing material alongside or close to the seaward side of the spit immediately to the east, then this could have impacts on the designated interests. There are also potential beneficial uses of the material which could be considered at this stage. We consider that the OEMP may provide an opportunity to plan maintenance dredging strategically and in the longer term. However, we do accept that the maintenance dredge requirements can be met through individual licence applications at the time of need and that this would meet natural heritage requirements as each application would be gauged against the Natura tests as part of the individual applications.](#)

Moray Firth SAC

- Please can you confirm which mitigation measures contained in chapter 6 of the EIA Report are required to ensure no adverse impacts on site integrity (which are not included within the MMPP, MMOP and CEMD)? We are looking to take the approach of conditioning the CEMD and the included MMPP and MMOP rather than conditioning chapters of the EIA report. [The CEMD includes the mitigation measures in chapter 6 of the EIAR and we are therefore happy for you to condition the CEMD and the included MMPP and MMOP.](#)

Moray Firth pSPA

- Please can you confirm the specific months in which dredging should not take place in order to protect the pSPA? [Dredging should not take place between October to March inclusive in order to safeguard the overwintering bird interests of the Inner Moray Firth SPA \(and Whiteness Head SSSI\). The previous marine licence and planning conditions referred to a period from November through until March – this decision was taken to help the applicant address time constraints at that time, but ideally a period of October to March inclusive is preferable. Should this be conditioned as per the previous licence? Yes](#)

Inner Moray Firth SPA

1. · Please can you confirm what further information is required regarding the bunds? [We are content with the information provided by the applicant regarding the bunds.](#) Some information is provided within the Natural Heritage Management Scheme and in Drawing No. 67091-018. Does this provide the information that you require? [Yes.](#) Please can you also advise if the disturbance relates only to the onshore stockpiling of the dredge material and the mitigation measure regarding the construction of bunds relates only to this disturbance? [The purpose of the bund is to mitigate disturbance to birds using the Whiteness Sands roost from the onshore stockpiling of material as well as disturbance associated with the operation of the facility. The stockpile of sediment should be separate from the bund which will be a permanent structure. This will ensure that the stockpiled material can be removed without](#)

the integrity of the bund being affected. The intention of the bund is to provide an area where the birds can go which is relatively undisturbed during the construction and operational phases of work.

Coastal Geomorphology

- What would trigger the need for a review of SNH's balancing duty assessment? The original balancing duty assessment considered removal of the head of the spit which contains features that are part of the nationally important geomorphological interest of the site. It is difficult for us to speculate what might trigger the need for a fresh review of the balancing duty assessment. The sort of activity that would trigger a balancing duty assessment might be work that would result in damage or loss to the national interest of the Whiteness Head SSSI and where there is no mitigation possible to avoid or reduce this loss or damage.
- Please can you provide further information on the sustainability of the development as noted in your response? Please see attached email to Fiona MacKintosh dated 9th May 2017.
- Please can you confirm whether or not the applicant needs to update the Sediment Transport Monitoring Plan? No, the applicant does not need to update the STMP.

In-combination assessment

- Your suggested requirement for a Works Dialogue protocol between Ardersier and the Nigg Bay development would be difficult to enforce as it would be difficult for us to find a mechanism that would force Aberdeen Harbour Board to engage as this is not already a requirement of their marine licence. Is there an alternative way for Ardersier to ensure that there would be no in-combination effects with the Nigg Bay development? The mitigation measures already in place for the Nigg Bay, Aberdeen development and proposed for the Ardersier development will avoid adverse effects on the integrity of the Moray Firth SAC (dolphin interest). The suggestion for a Works Dialogue protocol between Ardersier and the Nigg Bay development arose from discussions we had with the Ardersier applicant as a way of further minimising potential in-combination effects. Whilst this would be desirable, we appreciate such an arrangement would need to be voluntary in nature as opposed to a more formal arrangement e.g. through licence conditions.
- It would also be helpful if you could provide advice regarding cumulative impacts on other large scale projects with LSE on the Moray Firth SAC around the same construction timeframes, this may include but not be limited to the Moray East development and the Phase 4 works at the Port of Cromarty Firth? We do not advise that any other developments are considered as part of the Ardersier in combination assessment, over and above those already identified by the applicant in Table 2.5: Cumulative Developments/Projects of Volume 2 of the EIAR (page 26).

Mitigation

- Please can you clarify what best practice measures you are referring to for the dredging works? In your response, you refer to those used at the Port of Cromarty Firth, however, you do not provide detail on this. Please see the attached Final Licence for sea disposal operations by the Port of Cromarty Firth. Conditions 5 – 11 are pertinent.
- I would also be grateful if you could confirm whether or not there is the possibility of an LSE on the salmon of the River Moriston SAC? This point was raised during the consultation and we would like to seek your view. We have not raised the Atlantic salmon interest of the River Moriston SAC as being an issue for this development proposal and we do not intend to do so at this stage. We advise there will not be a LSE on the River Moriston SAC.

In general, we would like to look at this as a new application with its own advice, rather than carrying over previous advice, as there are a number of points that were raised previously that are no longer an issue or that have been addressed in the updated EIA report. Hopefully this will also help to try and reduce any confusion that may arise.

I trust that the above makes sense however please do not hesitate to get in touch, if any of the above is unclear.

Kind regards,

Louise

Louise Msika
Marine Licensing Casework Manager
Marine Scotland - Marine Planning & Policy

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Email: louise.msika@gov.scot

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Website: <http://www.scotland.gov.uk/marinescotland>



From: Ben Leyshon <Ben.Leyshon@nature.scot>

Sent: 15 February 2019 17:09

To: Irvine S (Sophia) <Sophia.Irvine@gov.scot>

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Sophia

Apologies for the delay in getting back to you on this.

I have attached our response to the scoping report dated 1st May 2018 and our response to the original proposal dated 15th November 2013.

The letter dated 15th November 2013 is the same as our response of the same date.

I note that our comments on the Sediment Transport Monitoring Plan dated 10th July 2017 were in fact internal advice from our coastal geomorphologist to one of our operations officers, but I cannot find a reference that these comments were passed on to either MS-LOT or the applicant at that time. I have therefore not included these comments here and I retract the need for you to refer to them as per our last response dated 24th January 2019, Annex 1, Coastal Geomorphology, paragraph 1.

For your information I have also attached a copy of The Highland Council Decision Notice for planning application number 18/04552/PIP which covers the planning aspects of this case. I appreciate you have probably already been sent a copy of this by the Council. Whilst the Decision Notice addresses our comments through conditions, we note that there was no direct mention about the new national policies that put in place requirements for public bodies and developers to recognise and plan for rising sea levels and coastal change. We recognise that given the nature of the proposal this aspect is more pertinent for MS-LOT than the Council. The requirements for public bodies relates to our comments in the final paragraph of the Coastal and Geomorphology section of our response to you dated 24th January 2019. We can advise further on these aspects if you wish.

Please let me know if you have any questions.

Best regards,

Ben

Ben Leyshon | Operations Manager

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From: Sophia.Irvine@gov.scot [<mailto:Sophia.Irvine@gov.scot>]

Sent: 15 February 2019 16:43

To: Ben Leyshon

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Ben,

Just wondering if you are able to provide the below?

Many thanks,

Sophia

From: Irvine S (Sophia)
Sent: 11 February 2019 16:20
To: Ben Leyshon <Ben.Leyshon@nature.scot>
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Hi Ben,

Thank you for your response in relation to the above. I note from your response it should be read in conjunction with your previous responses and these are available on request. Are you able to provide copies of these?

I have noted the correspondence mentioned in your response below, if I have missed any correspondence which you have referred to please send these across too.

- Response to Scoping Report dated 1st May 2018;
- Response to the original proposal dated 15th November 2013; and
- Letter dated 15th November 2013; and
- Comments on Sediment Transport Monitoring Plan dated 10th July 2017.

Many thanks for your assistance.

Kind regards,

Sophia

Sophia Irvine
Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy

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

Direct Line: +44 (0)131 244 1730
General Enquiries: +44 (0)300 244 5046
Email: sophia.irvine@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 24 January 2019 15:28
To: MS Marine Licensing <MS.MarineLicensing@gov.scot>
Cc: Planning Dingwall <Planning.Dingwall@sepa.org.uk>
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

[FAO Sophia](#)

Please find attached our response to the above marine licence consultation.

Best regards,

Ben

Ben Leyshon | Operations Officer

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From: MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]
Sent: 21 December 2018 15:38
To: SOUTH_HIGHLAND; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@ukchamberofshipping.com; RCaringto om; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; [Redacted](#) eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rs co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com;

Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; Moray Firth Partnership; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging
06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Bamlett R (Rebecca)

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 18 June 2019 15:15
To: Msika L (Louise)
Cc: Nathan McLaughlan
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Louise

Thank you for your email.

Please can you confirm whether or not there is connectivity between the seals at the haul out and the Dornoch Firth and Morrich More SAC?

Yes there is.

Do the measures to protect the haul out need to be enforced to ensure that there will be adverse effect on the integrity of the SAC?

This is less straight forward. I think the best way to answer this is that if the mitigation measures set out by the applicant in their MMPP, the MMOP and the CEMD are adhered to then this will avoid adverse impacts on the integrity of the Dornoch Firth and Morrich More SAC. If these mitigation measures are not adhered to then we cannot advise no adverse impacts and therefore this would need to be explored within the AA.

The simplest and most straight forward approach would seem to be to ensure that any marine licence granted would be on the understanding that the development would proceed in accordance with the MMPP, the MMOP and the CEMD, which the applicant has already agreed to.

Hope that helps.

Ben

Ben Leyshon | Operations Manager

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From: Louise.Msika@gov.scot [mailto:Louise.Msika@gov.scot]
Sent: 13 June 2019 13:32

To: Ben Leyshon

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Ben,

Sorry just one further question in relation to your advice on this project. In your advice, you mention a number of mitigation measures in relation to the seal haul out. Please can you confirm whether or not there is connectivity between the seals at the haul out and the Dornoch Firth and Morrich More SAC and thus whether or not the measures to protect the haul out need to be enforced to ensure that there will be adverse effect on the integrity of the SAC?

Kind Regards,

Louise

From: Ben Leyshon <Ben.Leyshon@nature.scot>

Sent: 24 January 2019 15:28

To: MS Marine Licensing <MS.MarineLicensing@gov.scot>

Cc: Planning Dingwall <Planning.Dingwall@sepa.org.uk>

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

[FAO Sophia](#)

Please find attached our response to the above marine licence consultation.

Best regards,

Ben

Ben Leyshon | Operations Officer

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01349 860645 | dd: 01463 701613 | cisco: 7001613

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From: MS.MarineLicensing@gov.scot [<mailto:MS.MarineLicensing@gov.scot>]

Sent: 21 December 2018 15:38

To: SOUTH_HIGHLAND; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@RCarington@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; Redacted m; epanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; sarah.dolman@wdcs.org; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; Moray Firth Partnership; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
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<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Bamlett R (Rebecca)

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 25 June 2019 11:14
To: MacKintosh F (Fiona)
Cc: MS LOT EIA & HRA Compliance and Advice Mailbox; Msika L (Louise); Nathan Mclaughlan
Subject: RE: Ardersier appropriate assessment

Dear Fiona

Please see annotations below in red. I hope that this provides you with the information you need to progress the HRA.

Ben

Ben Leyshon | Operations Manager

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From: Fiona.MacKintosh@gov.scot [mailto:Fiona.MacKintosh@gov.scot]
Sent: 21 June 2019 12:35
To: Ben Leyshon
Cc: ms.eia.hra@gov.scot; Louise.Msika@gov.scot
Subject: Ardersier appropriate assessment

Hi Ben,

Further to our call earlier, could you confirm the following in regard to the Dornoch Firth and Morrich More SAC for harbour seals and the designated seal haul out at Ardersier.

Your advice notes that if the mitigation measures described in the MMPP, the MMOP and the CEMD are applied, the proposal at Ardersier will not adversely affect the site integrity of the above SAC. **Yes, that is correct.**

You also suggest additional mitigation that would restrict dredging and pilling activities closest to the designated haul out during pupping and moulting if seal pups are observed or seals are using areas closest to the channel. You recommend that the MMMP is reviewed in light of this. **Yes, these are recommendations.**

Following our conversation, my understanding is that although there is connectivity between the haul out and the SAC, the number of seals from the SAC using the haul out will be very small. **Yes, the number of seals will be low.** Therefore, the **additional** mitigation is **not** required to conclude no adverse effect on site integrity and that the MMOP, CEMD and MMPP as submitted with the application are sufficient to ensure this. **Yes, that is correct.**

As discussed if additional mitigation measures are required by licence, I understand that this will be done by a standalone licence condition rather than updating any documents. **This is a procedural matter for MS.**

One further point I forgot to mention relates to the subtidal sandbanks qualifying interest of the Moray Firth SAC. This is not mentioned in your advice of 24 January 2019. However, in SNH's response to the previous application dated 15 November 2013, likely significant effect was identified. Can you confirm if you consider that this also applies to the most recent application and if so, does your advice remain unchanged. **Yes, LSE applies to the most recent application and yes our previous advice dated 15 November 2013 applies.**

Please let me know if any of the above is unclear.

Kind regards

Fiona

Fiona Mackintosh
EIA / HRA advisor

[marinescotland](http://marinescotland.gov.scot)

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

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fiona.mackintosh@gov.scot

<http://www.gov.scot/Topics/marine/Licensing/marine>

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le

mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH.

Bamlett R (Rebecca)

From: Ben Leyshon <Ben.Leyshon@nature.scot>
Sent: 07 August 2019 10:14
To: Msika L (Louise)
Cc: Nathan McLaughlan
Subject: RE: 06859/06860 - Ardersier Port Limited - Construction and Capital Dredging - Ardersier

Thanks Louise

Yes, your interpretation below is correct.

This is also stated in our letter dated 24th January 2019 (see Annex 1, 'In combination assessment', bullet point 2 , sentence 2).

Best regards,

Ben

Ben Leyshon | Operations Manager

Scottish Natural Heritage | Dingwall | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | t: 01463 701613 | cisco: 7001613
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From: Louise.Msika@gov.scot [mailto:Louise.Msika@gov.scot]
Sent: 07 August 2019 10:07
To: Ben Leyshon
Subject: 06859/06860 - Ardersier Port Limited - Construction and Capital Dredging - Ardersier

Hi Ben,

Thank you for your call yesterday to clarify the position regarding the proposed works dialogue protocol between the Nigg Bay works and the proposed works at Ardersier. It is my understanding now that it would be good practice for Ardersier to communicate with Nigg Bay to try to avoid noisy activities occurring at the two locations simultaneously in order to reduce the impact on bottlenose dolphins however, this would not be a requirement in order to avoid an adverse impact on the site integrity of the Moray Firth SAC.

Kind Regards,

Louise

Louise Msika
Marine Licensing Casework Manager
Marine Scotland - Marine Planning & Policy

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

Direct Line: +44 (0)131 244 2912
General Queries: +44 (0)300 244 5046
Email: louise.msika@gov.scot
ms.marinelicensing@gov.scot
Website: <http://www.scotland.gov.uk/marinescotland>



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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH.

15 January 2019

Marine Scotland - Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Proposed Ardersier Port Development, Moray Firth

Thank you for giving VisitScotland the opportunity to comment on the above development.

Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

Tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2015/16) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here:

<http://www.visitscotland.org/pdf/Revised%20Oct%2012%20%20Insights%20Wind%20Farm%20Topic%20Paper.pdf>

Taking tourism considerations into account

We would suggest that full consideration be given to providing a tourism impact statement as part of the Environmental Impact Analysis. Planning authorities should also consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses or VisitScotland

The full study can be found at www.scotland.gov.uk/Publications/2008/03/07113507/1

Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number.

VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

We hope this response is helpful to you.

Yours sincerely

Redacted

Douglas Keith
Government & Parliamentary Affairs
VisitScotland

Bamlett R (Rebecca)

From: Sarah Dolman <sarah.dolman@whales.org>
Sent: 22 January 2019 09:33
To: MS Marine Licensing
Cc: Sarah Dolman
Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sophia

WDC has been involved in discussions surrounding the proposed developments at Ardersier for a number of years. As a result, we respond here only to those changes brought about since the previous assessment materials, since we understand all previous consent conditions remain in place.

Disturbance and cumulative impacts are two primary concerns regarding marine mammal impacts. The current application does not consider the Aberdeen Harbour development that is currently underway at Nigg Bay, Aberdeen and it is our consideration that the Ardersier proposal must include this development.

The Marine Mammal Protection Plan should be updated to include consideration of disturbance of harbour seals at the seal haul out site that was designated in 2014, since the previous application. Additional mitigation will be required during pupping and moulting seasons to protect the seals at the site.

Marine Mammal Observers cannot be confident to observe all species, particularly harbour porpoises and seals up to a sea state 4. MMOs observations and associated works should only be conducted to a sea state 2.

We would welcome the opportunity to continue engagement of future assessment documents to ensure the protection of marine mammals in the region.

Thanks
Sarah

Sarah Dolman
Policy manager
End Bycatch Programme Lead

237

Redacted



From: MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]

Sent: 16 January 2019 12:14

To: south_highland@nature.scot; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; general@fms.scot; RMerrylees@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; hmconsultations@hes.scot; **Redacted** eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Val.Ferguson@transport.gov.scot; Sarah Dolman; info@ardersierandpetty.cc; cawdorandwestnairnshirecc@btinternet.com; FO.Ullapool@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; Alastair.Campbell@bidwells.co.uk; planningconsultations@scottishwater.co.uk; science@hwdt.org; m.morrison@sff.co.uk; harbours@highland.gov.uk; info@morayfirth-partnership.org; Simon.Dryden@gov.scot; Keith.Main@gov.scot

Subject: RE: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

I refer to the above marine licence consultation. Updated co-ordinates have now been provided and are attached above, I will ensure these are also uploaded to our website. Please accept my apologies for the delay.

Kind regards,

Sophia

From: MS Marine Licensing

Sent: 21 December 2018 15:38

To: 'south_highland@nature.scot' <south_highland@nature.scot>; 'planning.dingwall@sepa.org.uk' <planning.dingwall@sepa.org.uk>; 'navigationsafety@mcga.gov.uk' <navigationsafety@mcga.gov.uk>; 'navigation@nlb.org.uk' <navigation@nlb.org.uk>; 'general@fms.scot' <general@fms.scot>; 'RMerrylees@ukchamberofshipping.com' <RMerrylees@ukchamberofshipping.com>; 'RCarington@ukchamberofshipping.com' <RCarington@ukchamberofshipping.com>; 'marine@crownestatescotland.com' <marine@crownestatescotland.com>; 'hmconsultations@hes.scot' <hmconsultations@hes.scot>; **Redacted** 'eplanning@highland.gov.uk' <eplanning@highland.gov.uk>; 'secretary@marinesafetyforum.org' <secretary@marinesafetyforum.org>; 'pauline@ryascotland.org.uk' <pauline@ryascotland.org.uk>; 'planning.scotland@rspb.org.uk' <planning.scotland@rspb.org.uk>; 'renewables@sff.co.uk' <renewables@sff.co.uk>; 'info@scottishfishermen.co.uk' <info@scottishfishermen.co.uk>; 'scollin@scottishwildlifetrust.org.uk' <scollin@scottishwildlifetrust.org.uk>; Abercrombie F (Fred) <Fred.Abercrombie@transport.gov.scot>; Wilcock C (Chris) <Chris.Wilcock@transport.gov.scot>; Ferguson V (Val) <Val.Ferguson@transport.gov.scot>; 'sarah.dolman@wdcs.org' <sarah.dolman@wdcs.org>; 'info@ardersierandpetty.cc' <info@ardersierandpetty.cc>; 'cawdorandwestnairnshirecc@btinternet.com' <cawdorandwestnairnshirecc@btinternet.com>; FO Ullapool <FO.Ullapool@gov.scot>; Gilmour PD (Phil) <Phil.Gilmour@gov.scot>; 'laura.blackburn@visitscotland.com' <laura.blackburn@visitscotland.com>; 'Alastair.Campbell@bidwells.co.uk' <Alastair.Campbell@bidwells.co.uk>; 'planningconsultations@scottishwater.co.uk' <planningconsultations@scottishwater.co.uk>; 'science@hwdt.org' <science@hwdt.org>; 'm.morrison@sff.co.uk' <m.morrison@sff.co.uk>; 'harbours@highland.gov.uk' <harbours@highland.gov.uk>; 'info@morayfirth-

partnership.org' <info@morayfirth-partnership.org>; Dryden S (Simon) <Simon.Dryden@gov.scot>; Main K (Keith) <Keith.Main@gov.scot>

Subject: 06859/06860 - Ardersier Port Limited - Ardersier Port Development, Nairn - Consultation - Response required by 27 January 2019

Dear Sir/Madam,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

06859 – Ardersier Port Limited – Ardersier Port Development, Nairn - Capital Dredging

06860 – Ardersier Port Limited – Ardersier Port Development, Nairn – Construction works

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed construction and capital dredging activities associated with the Ardersier Port Development at Nairn. An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The licence application, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/ardersier-port-development>

Please note there has been a few discrepancies with the co-ordinates which have been provided which we are currently looking into. Updated co-ordinates will be sent as soon as these are received.

Please forward your comments on this proposal via electronic communication to ms.marinelicensing@gov.scot or as a hard copy to the address detailed below by 27 January 2019.

Kind regards,

Sophia

Marine Scotland - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

General Email: MS.marinelicensing@gov.scot

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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