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E: ms.marinelicensing@gov.scot

Kathleen Nolan
Craighall Business Park
8 Eagle Street Park
Glasgow
G4 9XA

Date: 18 January 2022

Dear Kathleen Nolan,

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

Thank you for your screening opinion request dated 05 November 2021 in regards to the proposed variation of Ardersier Port Ltd's marine licence to allow dredging between October and March ("the Proposed Works").

The Proposed Works at Ardersier Port are to be undertaken as part of the capital dredging ("the Licensed Works"), for which the most recent marine licence was granted in October 2021. The Licensed Works are an Environmental Impact Assessment ("EIA") project therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 14 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"), on the basis that they constitute a change to schedule 1 works already authorised. The Proposed Works are being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment ("EIA") project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency ("SEPA"), the Highland Council and Historic Environment Scotland ("HES") as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3

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

Characteristics of the works

The Licensed Works currently have a valid marine licence authorising dredging and deposit of dredge material to create a navigation channel and berth for the redevelopment of Ardersier Port. The current marine licence is valid until 19 September 2022 but contains a condition to prevent dredging from October to March inclusive to avoid disturbing overwintering birds. The requirement for this condition was based on an assessment of using a large, self propelled cutter suction dredger with a dredge rate of approximately 1800m³ per hour.

The Proposed Works are to use a smaller dredger, propelled by spud legs, to dredge the inner areas of the port. This would have a lower dredge rate (800m³ per hour) which means dredging is required for a longer period of time in order to dredge the same amount of material. Therefore, dredging over the winter is required to ensure the dredging is completed by the expiry of the licence.

Location of the works

The Proposed Works are located in Ardersier Port which is within the Inner Moray Firth Special Protection Area (“SPA”) and Moray Firth SPA with connectivity to the Moray Firth Special Area of Conservation (“SAC”) and the Dornoch Firth and Morrich More SAC. The Proposed Works will not change the impact on the SACs from that which was previously assessed.

Dredging over the winter period was assessed within the original EIA Report and identified several potential impacts to birds including a loss of habitat, noise and visual disturbance from using the larger dredger. The ornithological assessment submitted as part of the screening opinion request provided an assessment of bird counts at the roosts which form part of the Inner Moray Firth SPA and concluded that these would not be adversely impacted by the Proposed Works.

NatureScot agreed with the ornithological assessment and concluded that following the methodology and implementing the additional mitigation detailed below, dredging the inner harbour area of Ardersier Port using the smaller dredger during the period 01 October to 31 March will not result in additional significant environmental effects on the roost site. The area references refer to those in the drawing in Appendix II.

1. Winter dredging will only take place in the area shown in the grid;
2. No dredging activities will take place in December and January:
 - a. Within 500 m of Bird Roost Site 1
 - b. Within the green shaded area having direct line of sight to Bird Roost Site 1
3. The initial anticipated pattern of dredging is as follows, but could be modified to suit sensitivities observed on site at the time:
 - a. Dredging would commence out from the Dredger Berth (grid cell H1).
 - b. It would initially work from the quayside out into the harbour (cell H1 to H6).
 - c. Then move east and work in a similar direction from the quayside out into the harbour (cell G1 out to G6)
 - d. Continue on this basis up to the eastern extent of the harbour dredge (cells A1 to A6).
 - e. Then return to the berth area and work westwards (cell I1 out to I6).

- f. The continued western progression would be in accordance with the zones highlighted in point 2 above.
4. The protocol to minimise bird disturbance will be monitored by the Environmental Clerk of Works (“ECoW”).
5. The content of this protocol to minimise bird disturbance will include the following:
 - a. Reviewing the dredge plan on a weekly basis with the ECoW, taking into account bird activity on site to confirm active dredge cells for the week to minimise bird disturbance.
 - b. Ensuring buffer zones to roost sites (including point 2 above) are maintained - through toolbox talks and shoreline markers
 - c. Avoiding any unnecessary vessel transit routes/journeys across the harbour that may cause disturbance

In addition, NatureScot advised that because the overwinter dredging will be limited to the harbour area, it will not adversely affect the qualifying species of the Moray Firth SPA as the species likely to be found in the adjacent Moray Firth favour marine waters and do not use roost sites or intertidal feeding areas close to the Proposed Works.

Characteristics of the potential impact

The screening opinion request provides an updated assessment to consider the change in methodology and concludes that dredging over winter using the smaller dredger will not have a significant adverse effect on the overwintering birds.

SEPA, HES and the Highland Council all advised that the removal of the restriction on winter dredging would not change their original consultation responses and that the Proposed Works do not require an EIA.

The Scottish Ministers agree with the information provided and advice received that there will be no additional impacts from the Proposed Works. The mitigation listed above is sufficient to ensure that there will be no significant adverse effect on the environment from the Proposed Works.

Conclusion

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

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

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


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



Yours sincerely,

Thomas Inglis
Marine Scotland - Licensing Operations Team

Appendix I

NatureScot response:

 Fri 14/01/2022 10:06
Ben Leyshon <Ben.Leyshon@nature.scot>
RE: Ardersier Port (per Envirocentre) - Ardersier Port - Screening request - Consultation

To  Inglis T (Thomas)
Cc  Shirley Reid
i You forwarded this message on 14/01/2022 10:11.

Dear Tom

Thank you for your email.


We consider that the proposal will have no likely significant effect on the interests of the Moray Firth SPA for the following reasons:





- Dredging during the period 01 October – 31 March will be limited to the harbour area
- The SPA species likely to be found in the adjacent firth during this period are great northern and red throated diver, long tailed duck and eider duck. These species favour marine waters and do not use roost sites or intertidal feeding areas close to the proposed development.


I hope that provides you with what you need, but if not then please get back in touch.

Ben

Ben Leyshon | Operations Manager, South Highland
NatureScot | Dingwall, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB | DD: 01463 701613 | Mobile: **Redacted**
nature.scot | [@nature_scot](https://twitter.com/nature_scot) | Scotland's Nature Agency | Buidheann Nàdair na h-Alba

 Wed 01/12/2021 15:02
Shirley Reid <Shirley.Reid@nature.scot>
RE: Ardersier Port (per Envirocentre) - Ardersier Port - Screening request - Consultation

To  MS Marine Licensing;  Inglis T (Thomas)
Cc  Ben Leyshon;  Makela A (Anni)

 RE: 675015: Ardersier Port - Dredge Strategy 2021-22
Outlook item

Hi Tom,

We have reviewed the information submitted to support the variation screening request and the supplementary details provided by the applicant on 12th November 2021 (attached).

For interests within NatureScot's remit, we do not consider that dredging the harbour area of Ardersier Port using the smaller dredger during the period 01 October and 31 March will result in additional significant environmental effects. Therefore we do not consider that the proposed variation to the existing licence requires an EIA.

Please let me know if you need any further advice.

Kind regards

Shirley

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

Shirley Reid | Area Officer

Historic Environment Scotland response:



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:
MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300019620

08 December 2021

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Dredging of the harbour area at Ardersier Port during the Winter period
EIA Screening Opinion Request (November 2021)

Thank you for your consultation which we received on 18 November 2021 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion in support of the above proposals. We have reviewed the details for our historic environment interests under the terms of the Marine (Scotland) Act 2010. Our remit includes Historic Marine Protected Areas (HMPAs) and undesignated marine cultural heritage features.

Our advice

We understand that Ardersier Port Ltd are seeking an EIA Screening Opinion in support of proposals to vary condition 3.3.1 pursuant to a Marine License (ref. MS-06859/19/1) for dredging works at Ardersier Port harbour. The variation involves extending the timescales for dredging works to take place between 1 October to 31 March each year.

In our advice letter (17 January 2019) provided in response to the original Marine License application (MS-06859/19/1), we noted that no significant impacts were predicted on the historic environment resulting from the proposed dredging works. We do not consider that the proposed variation is likely to alter the level of effect on our historic environment interests, and therefore have no further comments to offer.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours faithfully

Historic Environment Scotland



SEPA Response:

Wed 24/11/2021 09:35
Planning.North <Planning.North@sepa.org.uk>
3448 - SEPA Response to Ardersier Port (per Envirocentre) - Ardersier Port - Screening request

To MS Marine Licensing

OFFICIAL

Dear Thomas

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) ("the EIA Regulations")
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS
Ardersier Port Authority (per Envirocentre) – Capital Dredge and Sea Deposit – Ardersier Port**

Thank you for consulting SEPA on the above proposal. We can confirm that in relation to the aspects of the environment on which we usually provide advice to you we consider that EIA is not required. Please see our standing advice - [lups-gu13.pdf \(sepa.org.uk\)](#) – for further advice and guidance.

Kind regards

Zoe Griffin
Senior Planning Officer
Planning Service, SEPA
Email: planning.north@sepa.org.uk

Highland Council Response:

Thu 25/11/2021 09:08
Peter Wheelan (Planning and Environment) <Peter.Wheelan@highland.gov.uk>
21/05428/SCRE - Ardersier Port - Proposed revision to conditions of dredging licence for capital dredge and sea deposit

To MS Marine Licensing
Cc ecormack@envirocentre.co.uk; Alastair Wood; David Mudie (Planning and Environment)

Dear Marine Scotland

Thank you for consulting the Highland Council on the above proposal. Further to reviewing the EIA Screening Request Report, Nov 2021, to help inform Marine Scotland's EIA Screening Opinion, we consider that the proposed alteration to the dredging works would be unlikely to give rise to any significant environmental effects, over and above any originally identified and assessed at the time of determining the Marine License in September 2019.

We note that the scale of dredger, and its associated dredging rate, would be substantially reduced from that originally proposed. It is also welcomed that the works would look to avoid disturbance to, including not being in direct line of site from, known key bird wintering roost locations, with this methodology understood to have been derived in consultation with NatureScot.

In reaching any conclusion on the need for EIA, it is advised that weight should be attributed to any consultation response forthcoming from NatureScot.

Regards

Peter Wheelan
Planner MRTPI - Strategic Projects Team | Planning & Building Standards | Development & Infrastructure Service
The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
01463 702262 (Working From Home)

Follow up documentation for existing planning applications must be submitted via the 'Post Submission Additional Document' (PSAD) online form, quoting the correct application reference number at [ePlanning.scot](#). This advice is given without prejudice to the future consideration of and decision on any application received by the Council. Register at consult.highland.gov.uk to be kept updated on Development Plan documents in Highland.

Appendix II

