NatureScot

Ms Elizabeth Skelton
Marine Licensing Casework Officer
Marine Directorate
By Email: MD.MarineLicensing@gov.scot

Cc: Dafydd Jones Planning (North) Area Manager dafydd.jones@highland.gov.uk

26 March 2025
MD-LOT Ref: 011084 & 011085
Our Ref: CLC 178987

Dear Ms Skelton

Marine (Scotland) Act 2010, Part 4 Marine Licensing
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Construction (00011084) and Capital Dredging and Sea Deposit (00011085), Invergordon Service Base Phase 5 Development, Port of Cromarty Firth

Thank you for your email dated 17 February 2025, requesting our comments on these construction, capital dredge and sea deposit licence applications. Note that our response below is based on the timeframes presented in the Environmental Impact Assessment Report (EIAR), many of these are key operational processes.

1. Summary

Cromarty Firth Special Protection Area (SPA) and Moray Firth SPA
This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with mitigation as outlined below.**

Moray Firth Special Area of Conservation (SAC)
This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important subtidal sandbank features, **we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with mitigation as outlined below.**

2. Background

We responded to the scoping consultation for this development in March 2024. As part of that response, we advised that collecting subtidal bird survey data would aid in assessing possible disturbance/displacement effects that may occur to the Cromarty Firth SPA and Moray Firth SPA waterfowl. This related to floating offshore wind turbines at portside and turbines being towed through the Cromarty Firth, an essential part of this development's function. We note that the applicant has not submitted this data.

Since our scoping response, we have been made aware of the presence of horse mussel beds adjacent to the Sutors disposal ground. Our advice below on the Moray Firth SAC subtidal sandbank feature therefore represents a change to previous advice on this feature.

In our scoping response, we advised that we agreed with the applicant and considered collision risk with floating rotating turbines at port side (to be tested for very short periods) to be negligible.

We note that RSPB and Scottish Ministers disagreed with us so required collision risk to be scoped in. We have assessed this data within the context of this response.

We note that the applicant has chosen to focus this EIAR on the development of the Quay West extension only. We disagree with this and advise that **operational activities** such as those described in the floating offshore wind operational scenario (EIAR Chapter 2 section 2.7.2.2) are a key part of this development.

3. Appraisal of impacts and our advice

3.1 European protected areas

The proposed development site lies adjacent to the Cromarty Firth Special Protection Area (SPA), which is protected for its coastal bird species (e.g., red-breasted merganser, scaup, oystercatcher, wigeon, common tern & osprey, etc). Red-breasted merganser and scaup regularly frequent subtidal waters, whilst other non-breeding species tend to use intertidal habitats. A full list of qualifying species can be found here: https://sitelink.nature.scot/site/8488. The proposed sea disposal area is within the boundary of the Moray Firth SPA, protected for its range of marine waterbirds, such as long-tailed duck and red-throated diver, etc., see: https://sitelink.nature.scot/site/10490.

The proposed sea disposal location is within the boundary of the Moray Firth SAC protected for its bottlenose dolphin and subtidal sandbank habitat, see: https://sitelink.nature.scot/site/8327. Harbour seal with connectivity to the Dornoch Firth and Morrich More SAC, see; https://sitelink.nature.scot/site/8242. are known to pass by the development area to access haul-outs within the Cromarty Firth.

The site's status (SAC & SPA) means that the requirements of the Conservation (Natural Habitats, andc.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Marine Directorate is required to consider the effect of the proposal on the SAC & SPAs before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has a summary of the legislative requirements, see - https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra.

Cromarty Firth SPA

Red-breasted merganser and scaup[1] (Towing out fully constructed Floating Offshore Wind Turbines (FOWT))

Our advice is that this proposal is likely to have a significant effect on both of these SPA species. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that on the basis of the appraisal carried out to date, if the proposal is carried out in accordance with the mitigation outlined within the outer Cromarty Firth Turbine Towing Protocol (TTP- Annex B), our conclusion is that the proposal will not adversely affect the integrity of the site.

The appraisal we carried out considered the impact of the proposals on the following:

- Strict criteria, for use within formal operational harbour limits, as set out within a dedicated Turbine Towing Protocol (see Annex B, as attached), will reduce displacement pressures to SPA waterbirds during turbine towing operations. This has been developed based on information within the *Floating Offshore Wind operational*

[1] Although these species are also features of the Moray Firth SPA, they are considered under this SPA (only) in more detail to avoid repetition and confusion.

scenario and Navigation Technical Feasibility Assessment as provided by the applicant within the EIA Report.

If the competent authority intends to grant permission against this advice without the suggested mitigation, you must notify Scottish Ministers.

This TTP is site-specific mitigation for the outer Cromarty Firth, to help reduce displacement pressures to non-breeding SPA birds. We recommend that a draft plan of bird monitoring work is submitted to support the TTP (post determination), which we would comment on to maximize our developing knowledge on portside assembly and towing of FOWT within an estuarine context. Please contact us should you need more information or direction to help shape the draft plan.

Red-breasted merganser and scaup[2] (Dredging, construction, FOWT testing alongside)
Our advice is that this proposal is likely to have a significant effect on both of these SPA species. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that based on the appraisal carried out to date, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following:

- Both these species are known to be sensitive to displacement effects, such as those occurring from tall coastal structures, such as very tall offshore wind turbines. This proposal is novel, in that it involves very tall turbines being constructed and tested at port side. This portside location coincides with a narrowing of the firth, to around 1km wide from the proposed Phase 5 berth to the southside of the firth. This has the *potential* to create a 'pinch-point' for both species transiting east and west along the firth.

- During March and April, when portside turbine construction begins/restarts for the spring period, both scaup and red-breasted merganser will require to transit past the ISB with very tall turbines present. During this relatively short period, some individuals are likely to move west, towards inland breeding locations, or to access different coastal stretches. Therefore, both species may feel the need to make 'wide berth' flights past/around the ISB, due to any tall structure displacement effects. However, both species can fly (rather than swim) west past the ISB, back-up the Cromarty Firth SPA.

- Data on red-breasted merganser, indicates that a late summer moult site (for adult females) exists well to the east of the ISB, where birds are likely to transit past this location, with proposed portside turbines present to get there. Existing baseline data suggests that birds arrive at this moult site ***before*** they enter flightless moult in August/September. On this basis, portside turbines at the ISB are unlikely to result in a bisection of the SPA for this species during their late summer (post breeding) moult.

- The applicant's operational timings for FOWT assembly and towing are March to September. These timings are key to minimising impacts.

Intertidal waterfowl
Our advice is that this proposal is likely to have a significant effect on these SPA species. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that based on the appraisal carried out to date, our conclusion is that the proposal should not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following:

[2] Although these species are also features of the Moray Firth SPA, they are considered under this SPA (only) in more detail to avoid repetition and confusion.

- Some coastal waterfowl sections of this SPA have been affected by a wide range of pressures, including recreational and industry related disturbance effects, thus the closer coastal sections to the development are less well used by coastal waterfowl. Other more important waterfowl sections are far enough away from portside turbines that any possible displacement effects are very unlikely to occur, due to such large separation distances from key locations.

Common tern
Our advice is that this proposal is likely to have a significant effect on SPA common tern. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that on the basis of the information provided by the applicant, if the proposal is carried out strictly in accordance with the applicant's mitigation, then our conclusion is that the proposal should not adversely affect the integrity of the site, as set out below:

- The Tern Management Plan (TMP) sets out to mitigate disturbance and displacement effects of nesting terns within the confines of the port, during construction and thereafter. With full inclusion of the existing tern nesting raft, as a nature positive asset, the TMP has potential to further benefit common tern populations in context to this SPA. We recognise that the applicant has put in a lot of effort into this TMP, which is welcomed mitigation.

If the competent authority intends to grant permission against this advice without the applicants specially planned mitigation, you must notify Scottish Ministers.

Osprey
Our advice is that this proposal is likely to have a significant effect on SPA osprey. Consequently, Marine Directorate as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that based on the appraisal carried out to date, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following:

- Although ospreys forage over the outer Cromarty Firth, none were noted during vantage point watches of port side turbine locations, and thus they were not considered to be at risk of collision.

Moray Firth SPA[3]

Marine waterbirds (Towing out fully constructed FOWT)
Our advice is that this proposal is likely to have a significant effect on SPA waterbirds. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that on the basis of the appraisal carried out to date, if the proposal is carried out strictly in accordance with the turbine towing mitigation, as above, our conclusion is that the proposal will not adversely affect the integrity of the site.

Marine waterbirds[4] (Dredging, construction, FOWT testing alongside)

[3] Our advice on eider relates to non-breeding birds only in connection with the Moray Firth SPA. We defer to Highland Council on wider countryside effects to breeding eiders, following agreed working protocols.
[4] Red-breasted merganser and scaup, both listed as qualifying interests of the Cromarty Firth SPA, are not replicated again here.

Our advice is that this proposal is likely to have a significant effect on marine waterbirds of Moray Firth SPA. Consequently, Marine Directorate 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 based on the appraisal carried out to date, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following:

- We agree that subtidal habitats in the vicinity of ISB are unlikely to be optimal for subtidal birds over which to regularly forage, mainly due to the associated baseline disturbance/displacement effects already present with an active port. In practice, this means that SPA species are most likely to favour alternative habitats further away from port operations. On this basis, the dredging, construction and testing of FOWT should not contribute to adverse disturbance and displacement effects over and above existing levels of vessel use and portside operations.

- The Sutors disposal area regularly receives vessel traffic as it falls on a recognised vessel route. Any SPA birds in this area will therefore experience regular disturbance from vessels entering and exiting the port. These disturbance effects are part of the SPA baseline, so these are recognised always to occur at varying levels of use. The disposal site sits at a depth of approximately 50m and as an existing disposal location that has been used for some years (prior to SPA classification), foraging habitat there is likely to be sub-optimal (due to benthic disturbance factors & its depth). Therefore, any impacts are unlikely to result in adverse effects to SPA conservation objectives.

Turbine towing advice linked to this proposal relates to operations within the confines of the Cromarty Firth only, and thus has direct relevance as an essential operation linked to the key outcomes and function of this development.

Moray Firth SAC

Subtidal sandbanks

Our advice is that this proposal is likely to have a significant effect on the subtidal sandbank feature of the Moray Firth SAC. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this, we advise that on the basis of the information provided, if the proposal is carried out strictly in accordance with the following mitigation, our conclusion is that the proposal will not adversely affect the integrity of the site.

a) Year 2 disposal can only progress subject to bathymetry surveys and sediment dispersion modelling[5] showing limited sediment smothering effects (in agreement with Marine Directorate and NatureScot) to horse mussels, which are a key component species of subtidal sandbanks, see; https://www.nature.scot/sites/default/files/special-area-conservation/8327/conservation-and-management-advice.pdf.

b) Should the above survey/modelling indicate that medium to high impacts to SAC subtidal sandbanks are likely (in agreement with Marine Directorate and NatureScot), then disposal from Phase 5 should cease at Sutors.

c) Alternatively, the Sutors disposal site should be moved to a new location combined with modelling to inform limited impacts from disposal at a modified location. Any new location should remain on an established vessel route to minimise other Protected Area impacts. As either option b) or c) is required to inform Year 2 onwards, we anticipate

[5] The sediment dispersion modelling of primary and secondary impact zones should include the outputs of deposition in "cm" to permit assessment against the Feature Activity Sensitivity Tool (FeAST) benchmarks.

that it should allow a workable level of lead-in time to accommodate surveys and/or change.

d) Year 1 (initial small volume) can progress without an initial assessment and in accordance with the Conservation & Management Advice for this SAC, which indicates that no further management is required for disposal at existing/licenced disposal sites, recognising that baseline disposal impacts have been present over subsequent years.

e) Any disposal at the Sutors should be undertaken outwith April - August, thus avoiding the larval period for slipper limpet which will reduce the risk of spread to horse mussels as a component part of this SAC habitat. Slipper limpet is an invasive non-native species, which has only recently been discovered within the Moray Firth area in late 2024.

The appraisal we carried out considered the impact of the proposals on the following:

- The applicant is proposing to deposit approximately 1,854,150 wet tonnes (WT) of dredging spoil over three years at the Sutors licensed disposal site CR019. This is nearly six times more dredging spoil than has been deposited in the previous 11 years combined and is in addition to the ongoing PoCF maintenance dredge (386,000 WT) and maintenance dredging at Port of Nigg (140,000 WT).

- Horse mussel, where present, is a component part of the sandbank habitat structure. It is also one of the typical species of sandbank habitat. Horse mussel beds have a high sensitivity to heavy siltation rate changes. The volume of deposited material could potentially have considerable negative impacts on both the settled population of horse mussels that overlap with the sea deposit site, and larval survival success.

- With Slipper limpet's (*Crepidula fornicata*) preference to settle on hard substrate such as shell material, horse mussel beds are vulnerable to invasion by this high impact invasive species.

Annex A contains further information and reasoning for this mitigation.

Bottlenose dolphin (construction, dredging, sea disposal and operation)
Our advice is that this proposal is likely to have a significant effect on bottlenose dolphin linked to this SAC. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this we advise that based on the information provided, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

- Vessel movements associated with the Phase 5 development (including construction, sea deposit and operation) will be slow and utilise the established shipping route through the Cromarty Firth. Conservation & Management Advice for this SAC indicates that no further assessment is required for commercial shipping using existing routes.

- With the implementation of the proposed best practice marine mammal mitigation measures detailed within the Schedule of Mitigation (EIAR Chapter 18) submitted with this application, there should be no adverse effect on population or distribution of bottlenose dolphins[6] as a result of this proposal.

[6] Note that our advice focusses on marine mammals linked to protected areas. Our marine mammal advisor has indicated that the proposed mitigation is not sufficient to protect harbour porpoise from permanent hearing damage. You may therefore want to look at increasing the mitigation zone to 1km and consider noise abatement (such as bubble curtains or coffer dams) if the maximum size of pile is to be used.

Dornoch Firth & Morrich More SAC

Harbour seal (construction, dredging, sea disposal and operation)

Our advice is that this proposal is likely to have a significant effect on harbour seal linked to this SAC. Consequently, Marine Directorate, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

To help you do this we advise that based on the information provided, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

- Vessel movements associated with the Phase 5 development (including construction, sea deposit and operation) will be slow and utilise the established shipping route through the Cromarty Firth. Harbour seals using the Cromarty Firth will be used to regular vessel traffic.

- With the implementation of the proposed best practice marine mammal mitigation measures detailed within the Schedule of Mitigation (EIAR Chapter 18) submitted with this application, there should be no adverse effect on population or distribution of harbour seals as a result of this proposal.

Other European protected area interests are unlikely to be affected.

3.2 Nationally protected areas

Cromarty Firth SSSI

This SSSI is protected for its range of coastal birds, such as red-breasted merganser, redshank & wigeon, etc. These SSSI features are covered by the same results outlined for the Cromarty Firth SPA, as above. Coastal habitats within this Protected Area are unlikely to be adversely affected by this proposal.

Cromarty Firth Ramsar Site

Intertidal mudflats and sandflats, bar-tailed godwit, greylag goose, waterfowl assemblage

This Ramsar site may also be affected but the interests of this designation are fully addressed as part of our consideration of Cromarty Firth SPA, as outlined above. Coastal habitats within this Protected Area are unlikely to be adversely affected by this proposal.

At time of writing, where a Ramsar feature corresponds to a SSSI feature it will be treated as a SSSI feature; or where it corresponds to a European feature it will be treated as a qualifying interest of that European site. However, the Scottish Government is currently considering a change in policy regarding Ramsar features. The proposal is to treat all natural features on Ramsar sites in the equivalent way to European sites (e.g. a Special Area of Conservation) for the purposes of the Habitats Regulations Appraisal process. We anticipate that a decision on adoption of the proposed policy change will be made sometime in 2025, but we do not know when this will happen.

Eider (breeding – wider countryside)

For wider countryside birds not linked to Protected Areas, such as breeding eider, we defer to the lead competent authority to assess/advise in context to our agreed working protocols.

Please let us know of any changes to this proposal (such as operational timings) that may be relevant to our interests in context to Protected Areas, as this may affect any future advice.

Please get back in touch with emma.jones@nature.scot should you need further information or advice, thank you.

Yours sincerely

Chris Donald
Head of Operations, Central Highland

Annex A – Background to subtidal sandbanks and horse mussels

The presence of horse mussels as a key component species of subtidal sandbanks at the Sutors has come to light mainly due to the presence of slipper limpet, as this has required more detailed consideration over disposals and the receiving habitats. Our Conservation & Management Advice (CMA) for this habitat, has indicated that no further management is required for licenced disposal sites. However, we are looking to review this element of the CMA for this SAC in due course.

There may be potential to enhance subtidal sandbank habitat (combined with horse mussels) by making a proactive decision to phase out the existing disposal location, informed by survey work/modelling. Choosing a disposal site with more resilience 'for today's use' could be beneficial for the future of the Green Freeport. We would be happy to comment on a draft proposal should this be a positive outcome of Phase 5.

Annex B - Harbour Turbine Towing Protocol

This Harbour Turbine Towing Protocol[7] aims to provide a consistent operational process for towing floating turbines through the outer Cromarty Firth where they are to be constructed, tested and maintained at the Invergordon Service Base (ISB) port side. This Protocol relates only to waters up to the boundary of the Moray Firth SPA, which fall within the PoCF's remit (see Figure 2).

The Protocol will represent operational procedure, that will be followed throughout, to undertake turbine towing at specific time periods and/or tidal states. These combined measures will reduce the level of any short-term displacement effects (should they occur) to adjacent SPA birds that may be present.

The following combined measures are as follows:

1) **Turbine towing will only occur from March to September, inclusive.** Thus, involving only three months (Mar, Apr & Sept) of the eight-month non-breeding period.

2) **Turbine towing will not occur more frequently than once a week during March, April & September and only during daylight hours[8],** thus reducing frequency of any associated effects (should they occur).

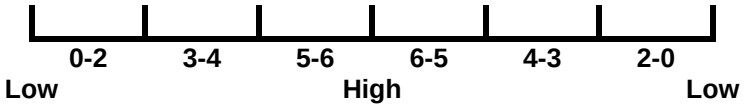
3) **Towing out should start from ISB on a 5-6 tidal score** (see Figures 1 and 2). Turbine movement out from ISB would thus occur over maximum high tide periods, for at least the first 4 hours, coinciding with SPA subtidal waterfowl having the maximum natural retreat zone available (from a very slow-moving structure), should it be required. Key intertidal SPA waterfowl roosts will benefit by experiencing a maximum separation distance from the navigation channel, when many SPA birds are naturally resting/sleeping at high tide roosts. Any towing in should finish at ISB on a 5-6 tidal score, the same as above but in reverse.

4) **Towing will occur very slowly, at only 1-2 knots maximum,** thus allowing SPA subtidal birds adequate time to alter their position, should they need it, through slow non-reactionary spatial adjustment.

5) Once towing starts, it will continue in one single continuous operation, until the turbine has reached the boundary of the Moray Firth SPA or the ISB.

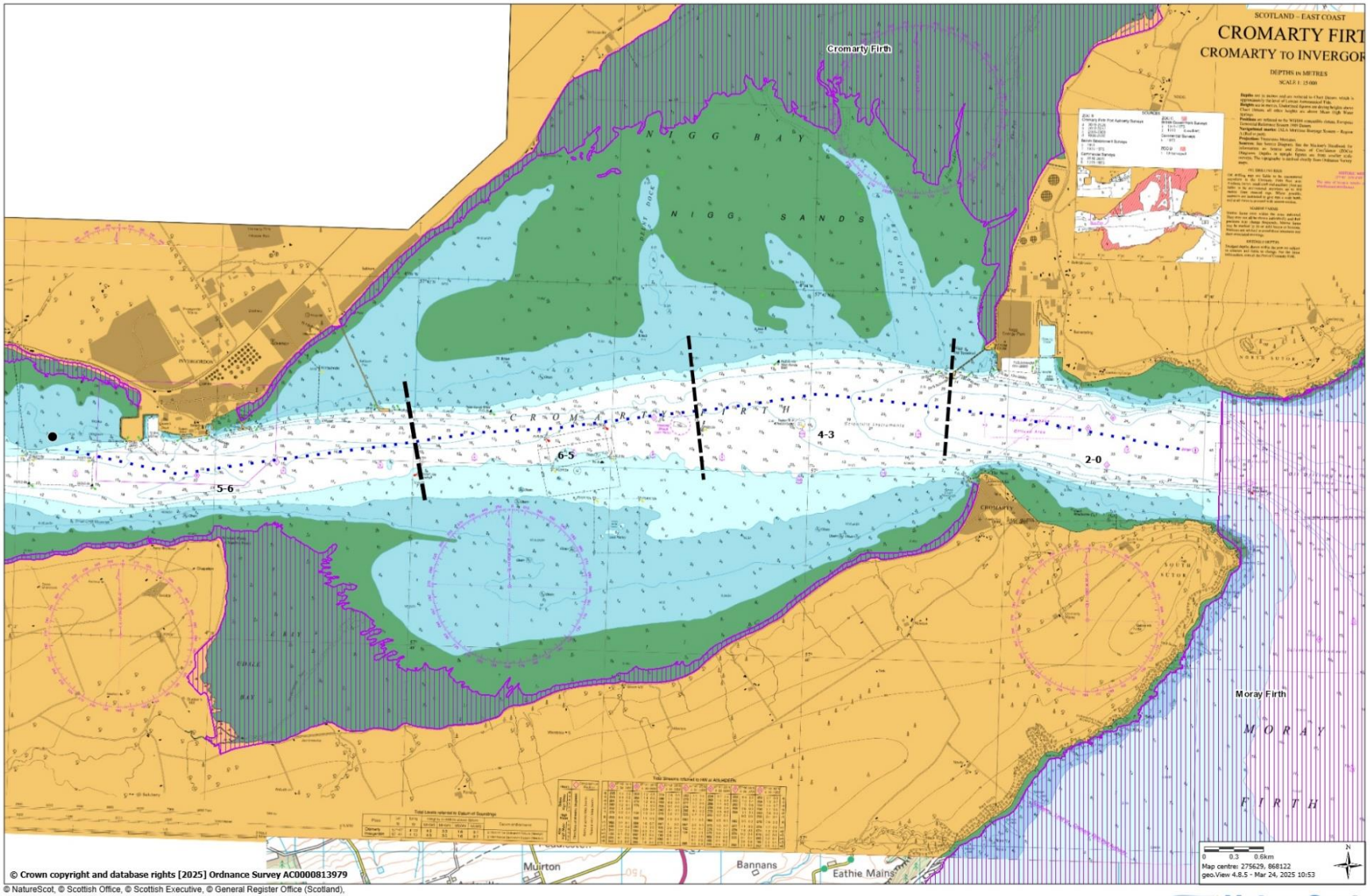
6) This Protocol should be reviewed and updated (if required), following bird monitoring work and any related changes in procedure.

Fig. 1 – Indicative tidal score scenario to aid turbine movement.



[7] This Protocol has been shaped by operational information provided in support of Port of Cromarty Firth Phase 5 Expansion Environmental Impact Assessment (EIA) Report (2025).
[8] Towing only to be initiated one hour after sunrise.

Fig. 2 - Map showing *indicative* two-hour distance markers (based on 1 knot towing speed), reflecting tidal score for turbine tow through the outer Cromarty Firth, in accordance with this Protocol.



NatureScot
NàdarAlba

From:	Emma Jones
To:	Elizabeth Skelton
Cc:	Peter Sparrow; Nathan Mclaughlan; Gerry Millar
Subject:	RE: 00011084 & 00011085 - Port of Cromarty Firth (per Affric limited) - Invergordon Service Base Phase 5 Development - Recent Data and Biosecurity Plan Summary -15 May 2025
Date:	22 May 2025 08:36:03
Attachments:	image001.png Phase 5 - RESPONSE to MD-LOT - Construction and Capital Dredge + sea deposit - ISB - POCF - Cromarty Firth (A5007201).pdf

---

Our Ref: GEN180248

Hi Liz

Further to our meeting on 15 May and my email below of the same day, please find our response below.

Background
Moray Firth SAC
In our consultation response dated 26 March 2025 (attached) we objected to the Phase 5 proposal unless it was made subject to conditions so that works are done strictly in accordance with mitigation (listed a-e on pages 5 and 6 of our response), without which, in our opinion, the proposal could adversely affect the internationally important subtidal sandbank feature of the Moray Firth SAC.
The applicant has recently approached MD-LOT and requested that mitigation e) (see below) is removed from their licence conditions and replaced with a suspensive licence condition that prohibits the disposal of dredging spoil until an updated Biosecurity Plan (BP) is agreed with MD-LOT and NatureScot.

e. Any disposal at the Sutors should be undertaken outwith April - August, thus avoiding the larval period for slipper limpet which will reduce the risk of spread to horse mussels as a component part of this SAC habitat. Slipper limpet is an invasive non-native species, which has only recently been discovered within the Moray Firth area in late 2024.

Our advice
We accept the proposed change to a suspensive condition on the basis that disposal of dredging spoil is prohibited until an updated version of the Biosecurity Plan (BP) is agreed with Marine Directorate Licensing Operations Team in consultation with NatureScot. We also agree and expect that the BP review will take full account of the evolving slipper limpet situation (records, risks and updated management advice) available at the point of the review. This may include appropriate and sufficiently robust slipper limpet monitoring, surveillance, and reporting requirements. We advise that the 2024 Natural England report NECR588 (full citation below) is used to help develop the BP. We agree with the timeline for BP submission two months ahead of the commencement of dredging.

Additional comments
The risk of spread of slipper limpet via dredged material is currently assessed to be low (based on available evidence Dey, K. G., Stebbing, P. D., (2024). Marine dredging and disposal operations and the risk of Marine Invasive Non-Native Species (INNS). NECR588. Natural England).

We note that our recommendation to explore an alternative disposal site to the Sutors has not been pursued, which is disappointing and may not accord with mitigation and management advice we are developing through the Slipper Limpet Action Plan in

conjunction with MD Policy and SEDD (and others). As further evidence on the distribution and associated risks of slipper limpet become available, these will be taken into consideration for the BP as well as future dredging cases in the Moray/Cromarty Firth region and our advice may therefore change.

We welcome that the volume of dredged material deposited at Sutors will be much reduced. It would be useful to state the new estimated volume within the BP as this may have a bearing on our advice for the BP. We anticipate this information will be required to fulfil condition a) (in our previous response) in any case (the requirement for bathymetry surveys and sediment dispersion modelling).

Please let me know if you have any queries regarding the above.

Regards
Emma

Emma Jones | **Operations Officer – Coastal Infrastructure** | she/her

NatureScot | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | **t:** 01463 725298

NàdarAlba | Slighe Fhodhraitidh | Pàirc Gnothachais Inbhir Pheofharain | Inbhir Pheofharain | IV15 9XB

nature.scot | *@NatureScot* | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

From: Elizabeth.Skelton@gov.scot <Elizabeth.Skelton@gov.scot>
Sent: 15 May 2025 12:54
To: Emma Jones <Emma.Jones@nature.scot>
Cc: Peter.Sparrow@gov.scot; Nathan Mclaughlan <Nathan.Mclaughlan@nature.scot>; Gerry.Millar@gov.scot
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric limited) - Invergordon Service Base Phase 5 Development - Recent Data and Biosecurity Plan Summary -15 May 2025

Hello Emma,

I can confirm this does effectively summarise what was discussed earlier.

I would be grateful if you could consider this and provide an updated response in regards to these points.

Thanks,

Kind Regards,
Liz

Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
Mobile: [Redacted] Email: Elizabeth.Skelton@gov.scot

From:	Emma Jones
To:	Elizabeth Skelton
Cc:	Peter Sparrow; Nathan Mclaughlan; Gerry Millar; David Patterson
Subject:	RE: 00011084 & 00011085 - Port of Cromarty Firth (per Affric limited) - Invergordon Service Base Phase 5 Development - Urgent Meeting Request -30 June 2025
Date:	01 July 2025 15:23:53
Attachments:	image001.png

Hi Liz

Further to our meeting this afternoon, please find below a summary of our discussion:

1. Our advice remains as per our response dated 26 March 2025 (CLC 178987). However, we appreciate that the issues you have outlined in your email below present a novel situation, which we all acknowledged.

2. Our European Site casework guidance https://www.nature.scot/doc/european-site-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation#3.2+Definitions provides us with a steer on how best to assess plans or projects where different elements may not be formally proposed at the same time. See Section 3.2 Definitions then scroll down to **"…either alone or in combination with other plans or projects"** and see the second of the three paragraphs (copied below for ease):

   "Note that some plans or projects will consist of a number of different elements that may not be formally proposed at the same time. In such cases, where the different elements are essential to completion of the plan or project as a whole, they should be considered together in combination. For example, a proposed new windfarm will require a connection to the national grid, but this element may not be proposed at the same time, nor by the same applicant. However, it is legitimate to take account of the grid connection in combination with the windfarm proposal, even prior to the formal proposal of the grid connection itself, because it is an inevitable rather than a theoretical consequence should the windfarm proposal go ahead."

3. A suggested way forward could be to still include the Turbine Towing Protocol mitigation within your Appropriate Assessment (as you have done) but then acknowledge that turbine towing does not form part of the current approval process. Therefore, it can be parked meantime but carried forward into an appropriate future consenting process. This can then usefully help shape/inform the proposal to include turbine towing and future consenting, thus reducing impacts to SPA birds. We discussed this novel approach with our European Protected Area Advisor this morning, and he agrees with the general principles put forward here.

Please get back in touch if we can be of any further assistance.

Regards
Emma

From: Elizabeth.Skelton@gov.scot <Elizabeth.Skelton@gov.scot>
Sent: 30 June 2025 14:35
To: Emma Jones <Emma.Jones@nature.scot>

From: Emma Jones
To: Peter Sparrow
Cc: Elizabeth Skelton; Gerry Millar
Subject: RE: Port of Cromarty Firth - Phase 5
Date: 09 July 2025 12:43:03

Hi Peter

I confirm that is an accurate record of our discussion earlier today and that, based on the EIA Report, we do not expect any significant impact to seagrass from the Phase 5 works.

Regards
Emma

Emma Jones | **Operations Officer – Coastal Infrastructure** | she/her

NatureScot | Fodderty Way | Dingwall Business Park | Dingwall | IV15 9XB | **t:** 01463 725298

NàdarAlba | Slighe Fhodhraitidh | Pàirc Gnothachais Inbhir Pheofharain | Inbhir Pheofharain | IV15 9XB

nature.scot | *@NatureScot* | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

From: Peter.Sparrow@gov.scot <Peter.Sparrow@gov.scot>
Sent: 09 July 2025 12:36
To: Emma Jones <emma.jones@nature.scot>
Cc: Elizabeth.Skelton@gov.scot; Gerry.Millar@gov.scot
Subject: Port of Cromarty Firth - Phase 5

Hello Emma,

Many thanks for taking my call just now, it was really helpful.

We discussed that, in its response, Cromarty Firth Fishery Board had mentioned *'I suspect potential damage to locally important seagrass beds through direct impacts to local water quality and chemistry during operations'.* I noted that impacts on seagrass had not been discussed in the NatureScot response to the application and asked why this was the case. You confirmed that seagrass was not identified on the NatureScot mapping systems in the vicinity of the dredge disposal area and was largely located around Nigg and Udale. You also clarified that all relevant bird habitats would have been considered as part of the assessment of the impact of the works on the Cromarty Firth SPA.

I also noted that the bathymetry and sediment dispersal modelling, prior to the second year of dredging, suggested by NatureScot would be conditioned in the marine licence.

Can MD-LOT therefore consider that there is not expected to be a significant impact on seagrass from the works, based on the EIA Report?

Thanks, as ever, for your help.

Pete

Peter Sparrow
Marine Licensing Group Leader

Scottish Government | Marine Directorate – Licensing Operations Team

Email: peter.sparrow@gov.scot
Website: Marine environment: licensing and consenting requirements - gov.scot (www.gov.scot)
Mobile: [Redacted]
General Enquiries: 0300 244 5046

SEPA

From:	Planning.North
To:	MD Marine Licensing
Cc:	Elizabeth Skelton
Subject:	PCS-20004610 SEPA Response to 00011084 & 00011085
Date:	18 February 2025 10:02:05
Attachments:	image.png

To Whom It May Concern,

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
00011084 & 00011085
Port of Cromarty Firth (per Affric Limited) -Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development
Invergordon Service Base

As per our agreed guidance please simply refer to our marine standing advice.

Kind regards,
Susan Haslam
Senior Planning Officer

The Highland Council

Consultation Response – Coastal Planning

Application Reference	25/00638/MAR
Proposal	MS-LOT consult licence - Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting.
Location	Port of Cromarty Firth Development Site at Queens Dock, Shore Road, Invergordon
Case Officer	Dafydd Jones

Development Plans Response

Documents reviewed to inform this response are noted below;

- Volume 1 – Non Technical Summery
- Volume 2 – Main Assessment
    - Chapter 4 – Legislation and Policy
    - Chapter 5 – Cumulative Impacts
    - Chapter 7 – Coastal Processes
    - Chapter 14 – Marine Biodiversity
    - Chapter 18 – Mitigation
- Volume 3 – Appendices
- Volume 4 – Drawings
- Dredge Licence – Best Practice Environmental Option Report

Marine Policy

National Marine Plan (2015): The NMP contains a number of objectives and policies that are likely of relevance to the development. Due to the nature of the associated development, it is expected that the following objectives and policies will be met:

Shipping, Ports, Harbours and Ferries:

Objective 2:

Sustainable growth and development of ports and harbours as a competitive sector, maximising their potential facilitate cargo movement and support other sectors.

Transport 4:

Maintenance, repair and sustainable development of port and harbour facilities in support of other sectors should be supported in marine planning and decision making.

The NMP 2015 also contains a set of general policies likely to apply to most aspects of the development. Among these key policies are considerations related to natural heritage, noise, visual impact, water quality, risk of INNS and marine litter. Feedback on some of these topics will be provided by other colleagues.

Policy Considerations;

NMP 2015
GEN 1 – Sustainable Design
GEN 2 – Economic Benefit
GEN 4 – Co – Existence
GEN 8 – Coastal Process & Flooding
GEN 11 – Marine Litter
GEN 12 – Water Quality & Resource
GEN 13 – Noise
GEN 21 – Cumulative Impacts

NPF4
Policy 1 & 2 – Tackling the Climate & Nature Crisis
Policy 10 – Coastal Development
Policy 22 – Flood Risk and Water Management

HwLDP
Policy 49 – Coastal Development
Policy 63 – Water Quality
Policy 64 – Flood Risk

Marine Works

The proposal involves the construction and operation of a 450m long berth with laydown area for a multiuse facility. The marine works will include dredging to a depth of -14m Chart Datum to facilitate the integration and pre-commissioning of floating offshore wind turbines at the quayside.

The first dredge area will create a perimeter around the land reclamation area in which to anchor the edge of the rock armour. The volume of this dredge is anticipated to be 30,000m3. The second dredge is required to meet the heavy-lift and settlement requirements within the proposed land reclamation area, with up to 275,000m3 expected to be removed. The third dredge will lower the seabed to create adequate berthing space for larger vessels and floating offshore wind turbine structures, with the projected dredged volume of 400,000m3. It is accepted that three dredging techniques will be employed and the majority of the dredging will involve disposal at sea, while plough dredging could be used for remedial dredges on site, and side casting will be utilised for small quantities of sediment from revetment toe dredge. It is noted that the dredge area was investigated, and samples analysed. It is accepted that given the high silt content identified, the dredge material has been deemed unsuitable for reuse as construction material, and therefore, most of the spoil will require disposal at sea. Given the cumulative impacts of the proposed works, along with maintenance dredging at Invergordon and Nigg, the inclusion of bathymetric surveys of the Sutors at the conclusion of each dredge disposal operation to assess capacity is welcomed.

The effects of dredging and spoil disposal on marine mammals have been considered, and the mitigation measures outlined for both construction and operational phases, including a marine mammal species protection plan are generally accepted. However, whilst current and sediment modelling has been conducted, it remains unclear whether the potential impact on the proposed neighbouring native oyster

restoration project to the west of the development has been assessed and whether any mitigation measures would be necessary.

As the development is entirely located within the marine environment, it has the potential to affect coastal processes, flood risk and the status of the coastal water body. The applicant has completed a Water Framework Directive Assessment which has considered the potential impacts on water currents. The assessment has identified that some changes to current flow will occur, with the most significant changes expected at peak ebb tide. However, these changes are considered to be of low magnitude when compared to baseline current speeds. SEPA and Marine Scotland will further assess and provide comments on the results.

Development and operations within the marine environment should avoid significant adverse effect on man-made noise and vibration, particularly for species sensitive to such impacts. Dredging and piling activities have the potential to generate such effects. It is noted that larger diameter piles may now be used, and the inclusion of an assessment of underwater noise effects of these larger piles on marine mammals, fish and ornithology is welcomed. The mitigation measures outlined in the EIA for both piling and dredging appear to be in line with key guidance. However, while both impact piling and vibro piling are planned, it remains unclear whether the applicant intends to implement acoustic barriers during impact piling operations. Further clarity on this point would be beneficial.

Name:	Alexis Chatterton
Position:	Coastal Planner
Date of Response:	07.03.2025

Consultee Comments for Planning Application 25/00638/MAR

Application Summary

Application Number: 25/00638/MAR
Address: Port Of Cromarty Firth Development Site At Queens Dock Shore Road Invergordon
Proposal: MS-LOT consult licence - Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting. This case will be determined by Marine Scotland. Please visit Marine Scotland at https://marine.gov.scot/marine-licence-applications using reference number 00011084
Case Officer: Jenna Baldie

Consultee Details

Name: Michelle Hardie
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: Not Available
On Behalf Of: Community Wealth Building

Comments

Thank you for making the Community Wealth Building team aware of this application. We have logged it and will be in touch with the Developer/Applicant regarding the Highland Social Value Charter.

Requested Conditions

The suggested conditions below relate specifically to The Highland Council's terrestrial interests. It is however expected that further conditions are likely to be suggested by other internal Highland Council consultees such as Transport Planning, for traffic management, Environmental Health for air quality, cumulative noise impacts, contaminated land and by NatureScot for species protection, habitat management, and biodiversity enhancement.

The Highland Council would welcome a further opportunity to engage with the Marine Directorate in the preparation of conditions process ahead of any decision being issued.

1.	The Development must be constructed and operated in accordance with the Application and the Environmental Impact Assessment (EIA) submitted by the Company on X DATE, inclusive of Table 18.3.1: Summary of Construction Mitigation and Table 18..3.2: Summary of Operational Mitigation, unless otherwise specified in the conditions of this consent, or agreed in advance writing with Scottish Ministers and the Highland Council.
Reason:	To ensure that the Development is carried out in accordance with the approved details.
2.	No permanent onshore structures are to be erected without the prior consent of the Highland Council as Planning Authority.
Reason:	To clarify the limits of the marine license.
3.	(a) No fully assembled turbine shall remain at port during the months of October through to February (inclusive) each year. (b) Any turbine component or built structure remaining at port during the months of October through to February (inclusive) shall remain below a height of 149.9mAOD and be void of any visible aviation lighting, unless otherwise agreed in writing by the Highland Council and the Marine Directorate, in consultation with the Ministry of Defence, Civil Aviation Authority, and the Highlands and Islands Airport Limited.
Reason:	In the interest of landscape and visual amenity, residential amenity, minimising light pollution, health and safety, including the potential for ice throw and to ensure temporary crane structures are lowered when not in use.
4.	No development shall commence until the finalised layout and design of the development has been submitted to, and approved in writing by the Marine Directorate, Highland Council and, in consultation with NatureScot. The details must include, but not be limited to the following: (a) A plan showing the location of each individual Wind Turbine Generator (WTG) assembly location, including information on WTG spacing, and any key constraints recorded on the site; (b) A plan showing how cruise ships shall continue to be accommodated at the port, with details of the number, frequency, timing and duration of cruise ships at port; (c) A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for each WTG. This should also be provided as Geographic Information System shape file using WGS84 format; (d) A table or diagram of each maximum WTG dimensions including – height to blade tip (measured above Lowest Astronomical Tide ("LAT")) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed during commissioning; and

	(e) The finishes for each WTG. Thereafter, the development shall be built out in accordance with the approved details.
Reason:	To ensure that the Development's environmental, seascape, landscape and visual impacts are suitably mitigated, in the interest of aviation health and safety, and to ensure that cruise ships continue to be docked at port in the interest maintaining the socio-economic benefits visitors bring to the region's economy.
5.	(a) No wind turbines shall be assembled until a reduced aviation lighting scheme for the Development has been submitted to, and approved by, the Scottish Ministers in consultation with The Highland Council and the Civil Aviation Authority. The scheme shall include details of aviation lighting which is to be applied, which shall include the lighting mitigation set out within the Environmental Impact Assessment (EIA) submitted by the Company on X DATE. (b) No later than the first, third and fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Aviation Lighting Scheme to Scottish Ministers and The Highland Council. Each review shall include: i) An assessment of options available for the reduction in the number of visible lights are visible; ii) An assessment of the potential for installation of an Aircraft Detection Lighting System ("ADLS"), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and iii) An assessment of whether, in the Company's view, it is reasonably practicable to install an ADLS at the Development. (c) The review may propose amendment of the Aviation Lighting Scheme. If a review assesses that it is reasonably practicable to install ADLS, provided that such installation shall not require planning permission, such review shall also include the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defence. (d) Any proposed amendment to the Aviation Lighting Scheme shall be subject to the written approval of the Scottish Ministers in consultation with The Highland Council, the Civil Aviation Authority and the Ministry of Defence and shall thereafter be installed in accordance with the approved details. (e) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (d), shall thereafter be maintained throughout the operational life of the Development. (f) No lighting other than that described in the approved scheme for aviation lighting shall be applied within the site, other than that required for health and safety purposes, unless otherwise approved in writing by Scottish Ministers in consultation with The Highland Council, or required by law. (g) The Development shall be operated in accordance with the approved scheme, or any alternative scheme may be approved under part (d), as a result of a periodic review.
Reason:	In the interests of aviation safety and to minimise visual effects of the Development.
6.	No development shall commence unless and until a Community Liaison Plan has been approved in writing by Scottish Ministers, after consultation with The Highland Council, affected local community councils (inclusive of those on both sides of the Cromarty Firth) and affected businesses. This plan shall include arrangements for

	establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangements must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group throughout the construction and operational period of the port. The approved Community Liaison Plan shall be implemented in full.
Reason:	To assist with the provision of mitigation measures to minimise potential hazards to surrounding sea and land users.
7.	No above ground fixed plant or turbine shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Marine Directorate and The Highland Council.
Reason:	In the interests of the visual amenity of the area.
8.	(a) Any assembled turbine, and associated cold pre-commissioning thereof at port, shall not result in any turbine blade rotating at a speed greater than 1 rotation per minute. (b) No turbine shall be assembled and undergo hot pre-commissioning at port until a scheme for the avoidance or mitigation of shadow flicker at residential properties which lawfully exist or for which planning permission has been granted as at the date of this licence, has been submitted to, and approved in writing by, the Marine Directorate and The Highland Council in consultation with Environmental Health and NatureScot. (c) The scheme (part b) shall demonstrate the acceptability or otherwise of undertaking pre-hot commissioning of turbines at port. This scheme shall also demonstrate adherence to the maximum parameters set out within the X DATE EIA submitted by the Company, including detail that: i) only one turbine be tested at any given time; ii) each turbine be tested once, subject to no operational issue or fault being detected; iii) each turbine being tested for up to a maximum of 6 hours; and iv) turbine rotational testing speeds being up to 7 rotations per minute, with exception of short overspeed tests increasing the rotation speed of up to 12 rotations per minute for a maximum period of 1 minute. (d) The approved mitigation scheme shall be implemented in full.
Reason:	To mitigate impacts of shadow flicker on residential amenity.
9.	(a) Within 12 months of the commencement of development, a scheme for the provision of compensatory recreational parking area(s), and / or enhancement of existing recreational parking areas, shall be submitted for the written approval of The Highland Council. (b) The scheme shall: i) seek to offset or compensate for the loss of local amenity experienced by people using the existing three shoreside parking areas located immediately north of the extended port; and ii) explore opportunities for the provision of alternative recreational parking areas in the vicinity of the port or elsewhere where people can appreciate view out over the Cromarty Firth and enable recreational access along its shoreline. (c) Prior to the extended port area becoming operational, the approved scheme shall be implemented in full.
Reason:	In the interest of local amenity.
10.	Prior to the Commencement of Development, a Local Employment Scheme for the construction and operation of the development shall be submitted to and agreed in

	writing by the Scottish Ministers, after consultation with The Highland Council. The submitted Scheme shall make reference to the Environmental Impact Assessment (EIA) submitted by the Company on X DATE. The Scheme shall include the following: (a) details of how the staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take plane in relation to maximising the access of the local workforce to information about employment opportunities; (b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative; (c) a procedure setting out criteria for employment, and for matching candidates to vacancies; (d) measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality; (e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development; (f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Scottish Ministers and The Highland Council; and (g) a timetable for the implementation of the Local Employment Scheme. Thereafter, the development shall be implemented in accordance with the approved scheme.
Reason:	In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.
11.	(a) Three months prior to the extended port area being used for an alternative use other than for offshore wind turbine assembly, an Operational Management Plan for the port shall be submitted for the written approval of Marine Scotland and The Highland Council. (b) The Plan shall detail how the intended use falls within the parameters and mitigation set out within the Environmental Impact Assessment (EIA) submitted by the Company on X DATE. The Plan shall include a description of: i) the physical characteristics of the proposal and the land-use and laydown space requirements, including details of any importation and exportation of goods / materials; ii) the main characteristics of any storage, assembly or production process; iii) the risk of accidents, having regard in particular to substances or technologies used; iv) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation) resulting from the development; v) the estimated cumulative impact of the project with other port related uses and consented or operational development; and vi) any additional environmental mitigation or infrastructure requirements. Thereafter, the development shall be implemented in accordance with the approved Plan.

Reason:	To ensure that the Development is carried out in accordance with the approved details.
Other:	The Highland Council are supportive of The Harbour Turbine Towing Protocol as set out in Annex B of NatureScot's 26 March 2025consultation response. Particularly, the retention of part (5) *"once towing starts, it will continue in one single continuous operation, until the turbine has reached the boundary of the Moray Firth SPA or the ISB."* This is considered critical to mitigating the landscape and visual effects of the proposals, as well as to manage the other effects on the receiving natural environment. We envisage that the requirement for this Protocol will form a condition of any forthcoming licence.

End

Date: 26.03.2025
Version: 1.0

Peter Wheelan
Highland Council - Strategic Projects Team Leader

Consultee Comments for Planning Application 25/00638/MAR

Application Summary

Application Number: 25/00638/MAR
Address: Port Of Cromarty Firth Development Site At Queens Dock Shore Road Invergordon
Proposal: MS-LOT consult licence - Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting. This case will be determined by Marine Scotland. Please visit Marine Scotland at https://marine.gov.scot/marine-licence-applications using reference number 00011084
Case Officer: Jenna Baldie

Consultee Details

Name: Shirley Ross
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: Not Available
On Behalf Of: Contaminated Land Officer

Comments

Part of the above site lies within areas of dockland where previous land uses may have resulted in potential contaminated land issues depending on activities. This may impact upon the new proposed development depending on activities and locations, and further advice should be sought once development and site layout plans are finalised.

The Highland Council
Comhairle na Gàidhealtachd

Planning Application Consultation
Environmental Health Response

Planning Ref:	
Proposal Name	Invergordon Service Base Phase 5 Development
Location	Invergordon Service Base
Your Organisation	Environmental Health
Your Name	Robin Fraser
Your Position	EHO
Email	robin.fraser@highland.gov.uk
Date	9 April 2025

Response

The proposed development is an expansion to the west of the existing Port of Cromarty Firth (PoCF) with the intention of supporting offshore wind energy development. The applicant's submission states that the expansion is most likely to be utilised for component marshalling for fixed bottom wind projects, floating offshore wind turbine integration and cold pre-commissioning.

Although the Service Base is a well-established industrial site, the scale of the development and proximity to noise sensitive receptors raises significant concerns about potential disturbance from noise during construction and operational phases.

Background Noise Level
Construction and operational noise limits are often determined by reference to existing background noise levels. However, in situations such as this, difficulties can arise in determining what the actual background noise relates to.

Noise levels in the areas around the PoCF are strongly influenced by activities at the port and service base. Such activities include inspection, repair and maintenance work (IRM) and decommissioning of oil and gas assets and onshore and offshore renewable energy projects. Work is undertaken on a project basis and may last for several weeks or months at a time, interspersed with several weeks of limited activity during project downtime. The port also serves as a major cruise ship destination, with approximately 100 ships regularly docking during summer months each year. Therefore, the baseline noise environment in the surrounding area can vary significantly.

Given the established nature of the port and service base it would be unreasonable to consider the appropriate background level as being a complete absence of industrial

noise however, neither is it reasonable to allow noise levels in the surrounding areas to continually creep up with every new development.

The applicant arranged for a background noise survey to be undertaken between 17th September and 3rd October 2024. This Service is satisfied that the period of monitoring is sufficient to obtain a representative background level during that time. In discussions with the developer and their noise consultant, it is understood that monitoring coincided with a relatively quiet period in terms of port activity, and it was agreed that historical background surveys could also be referenced to add context.

Table 6.5.5 of the EIAR shows the difference in background levels between the survey undertaken last year and baseline data for previous Phases 3 and 4 at PoCF. The data for Phase 3 is comparable to the most recent survey except for daytime noise measured at Cromlet Drive. The data for Phase 4 is significantly higher.

Table 6.5.5: Phase 5 Background Sound Levels compared to Phase 3 and Phase 4 reported levels

Noise Monitoring Location (NML)	Difference in Background Sound Levels measured for Phase 3 and Phase 5		Difference in Background Sound Levels measured for Phase 4 and Phase 5	
	Daytime $L_{A90(15mins)}$	Night-time $L_{A90(15mins)}$	Daytime $L_{A90(15mins)}$	Night-time $L_{A90(15mins)}$
King George Street	No data	No data	-9	-12
Cromlet Drive	-11	1	-12	-13
5 Clyde street / B817 Car Park	-2	-4	-10	-10
Bal Lui / Balblair	1	-1	-4	-15

Construction Noise

Proposed construction activities will include dredging; rock armour removal; revetment construction; piling for quay walls; infill of land reclamation; and surfacing and furniture.

Construction noise has been assessed using the guidance in BS 5228-1:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Noise.* Noise modelling has been carried out for both construction and operational noise.

The assessment has referenced Table 6.4.3 in BS 5228 which gives examples of appropriate noise criteria for daytime, night time and weekend/evening periods. It should be noted that just because the guidance offers this information, it does not necessarily mean that construction during anything other than typical working hours will be acceptable.

The assessment has split construction activity into twelve different scenarios as the project progresses. Table 6.7.1 gives a list of predicted construction noise levels for each scenario at the assessment locations. This demonstrates that levels can meet

the criteria in BS 5228 however, receptors are likely to experience noise for an extended period during construction.

Piling
The noise model assumes that piling of the Quay Wall will involve vibratory and impact piling. The majority of the piling will be vibratory with impact hammer piling only being required for the final setting of the pile. The noise modelling has assumed a worst case scenario of all impact piling therefore, actual noise emissions may be lower. Impact piling is expected to be undertaken around 2-3 hours per day. This Service would advise that piling during the earlier and later periods of the working day should be avoided to reduce the likelihood of complaints.

Construction Hours
The non-technical summary (Volume 1) states that *"The hours of operation for machinery during construction assumed 07:00 to 19:00 seven days a week for all construction stages, except for dredging which may require 24-hour operations over a concentrated period."*

However, the EIAR (Volume 2) states "*Activities during the Evening/Weekend and Night-time are only anticipated in four scenarios*."

This Service recommends that construction should be limited to between 0800 and 1900 Monday to Friday; 0800 and 1300 Saturdays with no audible work on Sundays or public holidays. However, work out-with these hours may be acceptable if the noise is kept to the levels in table 6.7.2.

Dredging and Night Time Construction
Predicted noise levels for evening, week-end and night time activities are given in Table 6.7.2 of the EIAR. Levels are low at 30dB or below. It is understood that the night time noise predictions include noise from dredging operations, but confirmation is required as the operation of large dredging vessels has the potential for giving rise to complaints during night time hours.

It does not appear that the assessment has included the potential impact of noise from the disposal of dredged material. It is understood that the usual disposal site is at the Sutors, at the mouth of the Cromarty Firth and there is potential for impact from frequent night time dredging vessel movements on receptor locations such as Cromarty or Nigg.

It is expected that the best practicable means (BPM) to reduce the impact of construction noise will be employed at all times.

Operational Noise

The Phase 5 development is intended to be a multi-use facility which will be rented out by PoCF, on a project-by-project basis, to various tenants to fulfil a range of activities including turbine assembly. Up to three wind turbines could be accommodated on the Quay at one time.

The information supplied by the developer advises that, initially, it may take over a week for each turbine to assembled but as the process matures, it is envisaged that this will speed up to 2-3 days. As deployment to windfarm sites will be weather dependant, it is presumed that integration work will not be undertaken during winter months. It is predicted that around 25 to 40 turbines could be integrated and pre-commissioned per year.

The assessment appears to have focussed on noise arising during periods when the Phase 5 area is used for turbine projects. However, it is understood that out-with these times, the quay may be used for general port activities.

BS4142 Noise Assessment

The applicant has submitted a noise assessment undertaken in accordance with BS 4142:2014+A1:2019 *Methods for rating and assessing industrial and commercial sound.* This methodology works by comparing the Rating Level of noise from the development with the existing background level.

The Rating Level is the measured or predicted level plus any adjustments for noise characteristics which may make the noise more intrusive such as tonality, intermittency or impulsivity or if it is otherwise distinctive. In this case the assessment has applied a 3dB adjustment to daytime noise for general distinctiveness.

BS 4142 suggests that the greater the difference, the greater the magnitude of the impact.

- A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.
- A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
- Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

The assessment has identified four likely scenarios regarding the type of activities, plant and vessels etc. that would be involved during the operational phase.

Scenario 1: Unloading of Cargo and integration of turbine towers (A1+A3)
Scenario 2: Unloading of Ro-Ro Vessel and integration of turbine towers (A2+A3).
Scenario 3: Integration of turbine towers only (A3).
Scenario 4: Evening and Night-time – Generators for Lighting (A4).

Daytime Operational Noise
The report has assumed that scenarios 1-3 would occur only through the daytime. At the closest receptors in Invergordon, the predicted levels are:

Scenario 1: 43-45dB(A)
Scenario 2: 43-51dB(A)
Scenario 3: 37-40dB(A)

The highest noise levels are predicted for scenario 2. The proposed new ro-ro quay will be located in the Queen's Dock which is in close proximity to receptors in Invergordon.

The assessment states that for the majority of the time during turbine projects, the activities will be as per scenario 3.

Night time Operational Noise
The assessment states that some works may be carried out continuously including during the night, but that night time use of the heavy lift crane is unlikely. Work inside the turbine structures is not predicted to be a noticeable noise source.

Therefore, for night time activities, the assessment has assumed the only significant noise sources will be from the use of diesel generators for small mobile lighting rigs specifically located at the work area and on the quayside areas. The resultant predicted noise levels are low (max 30dB).

Scenarios 1-3 have been discounted from the night time assessment. It may be that unloading activities can be limited to daytime periods, but clarification is required as to whether vessels will continue to run engines through the night and what the resultant noise levels would be.

Operational Noise Impact
The report has compared the predicted operational noise levels against the background levels from the most recent 2024 survey. This indicates that noise from the Phase 5 development would have an adverse impact at several receptor locations during Scenarios 1 and 2 and a significant adverse impact at 3 receptor locations during Scenario 2. This is assuming that the activities are restricted to daytime only, as stated in the report. Based on the level of activity stated for Scenario 4, predicted levels from night time operations are unlikely to have an adverse impact at any receptor location.

The assessment has also compared the levels against the results of the background survey undertaken for the Phase 4 development when there was obviously much more activity at the port and background levels were significantly higher. This comparison indicates that there would be no adverse impact at any receptor. Background noise data for Phase 3 is somewhere in between but correlates more with the Phase 5 survey, especially night time noise. This highlights the issues when attempting to compare predicted levels with background levels that vary so significantly.

The assessment has also compared predicted levels against the criteria in BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* and states that, allowing for a reduction of 13dB from an open window, this would equate to a suitable external daytime limit of 48dB which is the same as the maximum predicted level. However, this relates to noise from Phase 5 alone. If this criteria was to be adopted, the cumulative noise arising from all Port and Service Base activities would have to be considered. The high background levels measured for the Phase 4 development indicate that noise from existing operations may be close to, or are already, exceeding the proposed limit at times. The assessment has not considered cumulative noise from existing port activities. As such, an updated assessment is required.

Tug Movements

It is understood the turbine assembly project would involve the following tug movements: -

- Bringing turbine substructures (manufactured elsewhere) in through the Cromarty Firth.
- Moving assembled turbines from the integration berth to one of the adjoining pre-commissioning berths.
- Moving completed turbines through the Cromarty Firth and out to the final destination.

It is understood that three tugs are required to safely move one turbine.

The use of tug boats is fairly commonplace at the Port however, extended use at night has the potential to cause significant disturbance at receptors close to the port and also further along the firth at locations such as Cromarty.

Context

As stated above, BS4142 allows context to be considered when assessing the potential impact of a development. The assessment has put forward a number of points in this respect:-

- It is claimed that the noise model predicts worst-case immissions by assuming that all noise sources are operating continuously at the same time which is unlikely to be the case. This may be true for quayside plant however, as previously mentioned, the report doesn't distinguish between vessel noise and unloading noise and it is assumed that noise from the vessels themselves is likely to be constant.

- Noise levels will vary as plant moves around, whereas the model assumes many of the noise sources are stationary and in worst-case locations for noise immissions. As such, the actual noise levels during operational activities are likely to vary and, in some cases, may be lower than predicted.

- Phase 5 activities will be similar in nature to what is already on site and is not likely to introduce a new noise character. However, if this is the case, it isn't clear why the assessment has added a 3dB penalty in their BS 4142

assessment which says "…*we do expect that on occasions there may be noise that is readily distinctive against the residual acoustic environment*"

- Comparison with 'background' levels from the Phase 4 survey suggest that noise levels will not have a significant impact.

Turbine Noise

It is understood that cold pre-commissioning of turbines will be undertaken as part of the development. The assembled turbines would rotate but this would be limited to a rate of less than 1 rpm. The report states that this procedure would generate no noticeable aerodynamic noise. Therefore, an assessment of wind turbine noise has not been undertaken at this stage. This Service has no experience of this type of turbine operation but at a rate of less than 1 rpm, it is unlikely that noise from blade swish would occur. However, it isn't clear whether there would be noise arising from the generator, gearbox and other machinery within the nacelle itself. Normally, this aspect is not considered as part of a wind farm assessment due to the large separation distances however, given the close proximity to the nearest houses, further information is required.

The report advises that it is unlikely that hot pre-commissioning will be undertaken i.e. testing of the turbine in real conditions. It is understood this would require a grid connection which is not currently in place. It is advised that a condition should be put in place preventing hot commissioning from being undertaken unless a noise assessment has been carried out in accordance with ETSU-R-97 (The Assessment and Rating of Noise from Windfarms which demonstrates that noise will not have an adverse impact.

Non-Turbine Activities

It is understood that out-with the turbine assembly projects, the Phase 5 quay area may be used for general port activities however, this has not been explicitly covered in the noise assessment. Such activity will not introduce any new types of noise but could result in overall levels increasing. Also, it is not clear what the level of night time noise will be from such activities. The assessment has stated that there will be no unloading or crane operations etc. during turbine projects but it isn't clear whether that will apply at all times. This requires to be clarified.

Cumulative Noise

The EIAR has not included a cumulative assessment of noise from existing Port activities and the proposed Phase 5 activities. There are concerns that, during busy periods, cumulative levels could exceed recognised absolute limits. In addition, it isn't clear what the cumulative impact might be in terms of duration of noise. As previously mentioned, existing port activities are largely driven by contracts and there are quieter periods during project downtime. There is a concern that even if Phase 5 does not significantly increase overall levels during busy periods, it might result in fewer quieter periods thereby resulting in less respite for residents.

Noise Management Plan

It is understood that facilities are rented out by The Port of Cromarty Firth to various tenants. As such, they have a role in reducing the impact of noise arising from premises over which they have control. This requires a strategic noise management approach and this Service would advise that the applicant be required to submit an operational noise management plan which considers the cumulative impact of noise arising from all PoCF activities including the Phase 5 development. This would be required prior to determination of the application.

One aspect which has not been referred to in the report is the provision of shore power, i.e. the provision of shoreside electrical power to vessels at berth negating the need for them to run main and auxiliary engines. The assessment has not specifically differentiated between vessel and other noise sources however, the provision of shore power would likely result in a significant reduction in noise from the port in general which may be necessary in order to offset any increase in noise from the proposed Phase 5 development. Without shore power, the mitigation available to control vessel engine noise is limited and with the constraints imposed by the proximity of noise sensitive receptors, the viability of this and further development at the Port could potentially be affected. As well as reducing noise, shore power would also significantly reduce other emissions from the operation of diesel engines which would be in keeping with the general aims of Net Zero and the provision of 'Green Jobs'.

Other types of general noise source which might be found throughout the port and service base includes mobile and fixed plant, reversing and crane alarms, tannoy systems etc. which could be covered by a management plan.

Further guidance on the scope and level of detail required in a Noise Management Plan is contained within Section 5 of the SEPA document – *"Guidance – Noise and vibration management: environmental permits July 2021*

Lighting

This Service has no powers in relation to light pollution however, fixed lighting could have an adverse impact if allowed to shine directly at residential properties. It is expected that the external lighting system shall be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light.

Summary

The construction noise assessment indicates that predicted noise levels can comply with recognised standards, but clarification is required regarding the proposed night time work activities. It is expected that the best practicable means will be employed to reduce the impact of noise at all times.

The operational noise assessment has stated that during vessel assembly projects, cargo and ro-ro vessel unloading will not be undertaken at night. Confirmation is required that vessels will not be berthed with engines running at night or a revised assessment should be submitted taking this noise source into account.

The noise assessment only appears to have considered activities associated with turbine assembly projects. A revised assessment is required which considers use of the Phase 5 area for general port activities for daytime and night time periods. This should include clarification as to whether use of the ro-ro quay is intended only for turbine projects or if it may be used at other times.

It is difficult to assess the impact of noise from Phase 5 by comparison with background levels which vary so much depending on the level of activity at the rest of the port. A cumulative noise assessment is required which considers both the new development and existing activities. It should also consider the potential increase in the duration of noisy activity and the reduction in respite during quieter times at the existing port.

Additional Information

Prior to the determination of the application, the applicant is required to submit a revised construction noise assessment which includes the following: -

- Confirmation that the predicted levels in Table 6.7.2 for construction night time noise includes noise from dredging operations at the port.
- An assessment of noise from dredging disposal operations.

Prior to the determination of the application, the applicant is required to submit a revised operational noise impact assessment which includes the following: -

- An assessment of noise arising from the use of the Phase 5 facility for activities other than turbine assembly projects including clarification of night time activities.
- An assessment of noise from nacelle machinery during cold pre-commissioning.
- An assessment of cumulative noise from the Phase 5 development and from existing activities at the Port of Cromarty Firth and Service Base.
- A breakdown of predicted noise levels during Scenarios 1 and 2 arising from cargo and ro-ro vessel engines and from unloading activities.
- Clarification as to whether vessels will be berthed at the new quays with engines running at night during Scenarios 1 and 2 of turbine assembly or in connection with other activities.
- An estimate of the number of cargo and ro-ro vessels coming into the new quay and the likely duration of each stay.
- Clarification as to whether cargo vessels and ro-ro vessels could be in at the same time.
- Clarification as to whether ro-ro quay could be relocated. The predicted noise levels from ro-ro unloading operations are such that it is unlikely that it could be used out-with daytime hours.

- Further details on the extent and frequency of tug movements with clarification as to whether turbine movements will be limited to daytime or might they be undertaken at night.

Prior to the determination of the application, the applicant is required to submit an operational noise management plan which looks at measures to reduce noise arising from the Port of Cromarty Firth and Invergordon Service Base as a whole including the proposed Phase 5 development.

Conditions

At the present time it is envisaged that the following condition could be applied for the construction phase of development:

Prior to construction commencing, the applicant shall submit, for the written approval of the planning authority, a construction noise mitigation scheme which demonstrates how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise, particularly during piling and night time operations.

Thereafter the development shall progress in accordance with the approved Noise Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Planning Authority.

Following receipt and assessment of the requested additional information, this service can advise on recommended operational noise conditions of any forthcoming consent. Otherwise, this Service would request that a condition be applied requiring the information be submitted prior to the commencement of the development.

Meeting Request

This Service would welcome a meeting with the applicant, their noise consultant and MD-LOT to help inform the applicant's response to the requested additional information.

Consultee Comments for Planning Application 25/00638/MAR

Application Summary

Application Number: 25/00638/MAR
Address: Port Of Cromarty Firth Development Site At Queens Dock Shore Road Invergordon
Proposal: MS-LOT consult licence - Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting. This case will be determined by Marine Scotland. Please visit Marine Scotland at https://marine.gov.scot/marine-licence-applications using reference number 00011084
Case Officer: Jenna Baldie

Consultee Details

Name: . FLOOD RISK MANAGEMENT TEAM
Address: Highland Council Area Office, 84 High Street, Dingwall IV15 9QN
Email: Not Available
On Behalf Of: D & I Flood Team

Comments

The FRM Team has no comment to make

Consultee Comments for Planning Application 25/00638/MAR

Application Summary

Application Number: 25/00638/MAR
Address: Port Of Cromarty Firth Development Site At Queens Dock Shore Road Invergordon
Proposal: MS-LOT consult licence - Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting. This case will be determined by Marine Scotland. Please visit Marine Scotland at https://marine.gov.scot/marine-licence-applications using reference number 00011084
Case Officer: Jenna Baldie

Consultee Details

Name: . HISTORIC ENVIRONMENT TEAM - CONSERVATION
Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX
Email: Not Available
On Behalf Of: Conservation - Historic Environment Team

Comments

This 450m long structure will be a significant addition to the Invergordon harbour area. There are however no listed buildings within the vicinity of the site to be affected, or in the wider harbour area whose setting could be affected; we therefore have no objections to this proposal.

+

Agenda Item	6.14
Report No	PLN/023/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 12 March 2025

Report Title: 25/00638/MAR: Port Of Cromarty Firth

Port Of Cromarty Firth, Queens Dock, Shore Road, Invergordon

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with roll-on roll-off capability, dredging and ancillary infrastructure including lighting.

Ward: 06 – Cromarty Firth

Development category: N/A – Marine Licence Consultation

Reason referred to Committee: Area Managers Discretion

All relevant matters have been taken into account in the initial stages of appraising this application. It is considered that the proposal is capable of according with the principles and policies contained within the Development Plan and could be acceptable in terms of all other applicable material considerations, subject to the potential introduction of additional mitigation measures and conditions.

Recommendation

Members are asked to agree the recommendation to **RAISE NO OBJECTION** to the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The Council has been consulted by the Scottish Government's Marine Directorate on two marine license applications (MD reference 00011084 and 00011085) submitted under Part 4 of the Marine (Scotland) Act 2010. These are to construct and operate the proposed Invergordon Service Base Phase 5 Development which involves the expansion of the existing port, targeted primarily to support the deployment of offshore wind farms. The applications are to be determined by Scottish Ministers.

1.2 Separate planning permission is not required owning to the development being located offshore within the Cromarty Firth and given that there are no permanent buildings proposed.

1.3 The offshore development shares similar characteristics and environmental effects to applications for onshore development. This report therefore gives consideration to those terrestrial effects in so far as they relate to the interests of the Council. This primarily relates to those effects on the human environment, as opposed to the marine environment. The Marine Directorate is best placed to consider effects on the latter.

1.4 The proposed development comprises erection and operation of a 450m long berth, which would form a continuation to the existing 372m Quay West Berth to provide a 822m long extended quay. This would be formed via land reclamation to create an extended quayside and laydown space measuring 450m by 245m, creating a further 11.05ha of laydown space finished in crushed stone and formed to a level of 5.9m above Chart Datum. The extended port area would comprise a piled quay wall on the south / south west faces and rock armour on the north and north west faces.

1.5 The proposal targets component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip and a hub height of up to 200m above mean sea level. These operational activities include:

- manufacture of major wind turbine components (such as anchors, mooring components, or concrete gravity substructures);
- production of concrete floating substructures, with substructure being poured and built onsite;
- final assembly of steel or concrete floating substructures, where the structures are fabricated elsewhere, delivered in several 'mega-blocks' (for ease of transport) and the assembly is completed at the port;
- turbine integration, where the turbine components are manufactured elsewhere and delivered for integration onto substructures;
- pre-commissioning and initial testing, where turbines are tested and potentially powered up to ensure they are working effectively prior to being towed to the wind farm site; and
- major maintenance support, where floating turbines are brought back to port for major component exchange or maintenance.

1.6 Other ancillary elements of the proposal comprise:

- formation of a heavy load pad (70m x 70m) to facilitate a ring crane of up to 250m in height which would be temporarily erected as required;
- temporary use of crawler crane(s) of an unspecified number / height;
- creation of the Queens Dock West Berth - a 226.5m long quay wall replacing the existing rock armour and adjustment alignment;
- creation of roll-on roll-off ramp measuring 30m wide and 12m long;
- widening of access to Quay West (additional area measuring 31m x 29m);
- dredging to 14m below Chart Datum; and
- other related infrastructure, including quayside furniture, lighting and site security measures.

1.7 Although the proposals are targeting the offshore wind farm market, the extended port could equally be used for supporting a wide range of port related activities on a project by project basis subject to these activities being marine related. The assessment of this consultation is predicated on the basis that this represents the worst case scenario. Should the proposal facilitate the full integration of offshore turbines, this process is anticipated to take over a week ready for pre-commissioning, however, as the process matures, it is envisaged that one turbine could be integrated in 2-3 days. As deployment to windfarm sites will be weather dependent, it is presumed that integration will avoid the winter months, although preparatory works will be completed year-round. Hence, it is predicted that in the region of 25 to 40 turbines could be integrated and pre-commissioned per year. Once pre-commissioning activities are complete, up to three tugs will be used to manoeuvre the complete floating turbine from the quay and take it out of the Cromarty Firth and onwards to the wind farm site.

1.8 The scope of the project would facilitate the potential to commission fully erected floating turbines. The more likely scenario is for cold pre-commissioning to take place, involving the checking of turbine electrical connections with turbine blades being feathered to catch the least amount of wind possible; they will rotate in the wind at very slow speeds (approximately <1RPM).

1.9 Whilst considered unlikely at present, should a suitable grid connection be forthcoming at a later date, the development would also enable the hot commissioning of turbines, i.e. testing of their operation before deployment to their fixed offshore location out at sea. Hot pre-commissioning will require the turbine rotor to rotate up to 7 times per minute (RPM) for 4 to 6 hours, with occasional short overspeed tests increasing the rotational speed up to 12 RPM for a maximum of 1 minute. Only one turbine will be tested at a time, and assuming there are no issues each turbine will be tested on one occasion. No more than two turbines are likely to be tested in any one day (8-12 hours of testing), and testing is unlikely to take place for more than two consecutive days. The total number of hours there will be a turbine rotating at >1RPM is expected to be around 240 hours per year, most likely within daylight hours between March and September.

1.10 If the development is consented by Scottish Ministers, it is anticipated that construction would commence in Autumn 2025 with the construction phase anticipated to take between 2 years, 3 months and 3 years. Thereafter, it is

anticipated it would have an unrestricted operational life, with the site operating in perpetuity.

1.11 The applicant has been in contact with the Planning Authority in advance of submission of the application seeking advice on the Scope of the Environmental Impact Assessment (reference 23/06045/MAR). The applicant has also undertaken pre-application consultation in line with the provisions of the Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013. This included project updates via: quarterly joint community council and port meetings; annual public meetings; engagement with potential port users; and undertaking a public consultation event held on 29 October 2024.

1.12 The application is supported by an Environmental Impact Assessment Report (EIAR), with chapters on:

- Project description
- Methodology
- Legislation and policy
- Cumulative impacts
- In-Air noise
- Coastal processes
- Archaeology and cultural heritage
- Landscape and visual
- Socio-economics and human health
- Climate change
- Biodiversity
- Ornithology
- Marine biodiversity
- Traffic, transport and navigation
- Aviation
- Major accidents and disasters
- Schedule of mitigation

1.13 No variations were made to the application since receipt of the consultation from the Marine Directorate on 17 February 2025, with the 30 day consultation period for responding ending on 19 March 2025.

2. SITE DESCRIPTION

2.1 The 36.3ha site is located on the southern edge of the town of Invergordon on the north shore of the Cromarty Firth, 7 miles west of the mouth of the Firth, which is known as the Sutors. Invergordon lies 14 miles north of the city of Inverness, and 65 miles southwest of Wick. The exiting port has 8 berths, over 1 km of quayside, up to 14 metres (m) water depth to accommodate the largest vessels and land space totalling 22.6ha. The proposed development is primarily to the west of the existing established port, adjoining the previous phases (Phase 3 and Phase 4) collectively known as Quay West. It also includes elements in the Queens Dock.

2.2 The first land reclamation in Invergordon took place in the 1860s and the area became a ‘dockyard port’ for the Royal Navy. With oil reserves being discovered in

the North Sea in the early 1970s, the economic opportunities for the Cromarty Firth increased. It was deemed to be in the public interest to encourage further development in the area, and an Act of Parliament formally established the Cromarty Firth Port Authority as a Trust Port in 1973, which now trades under the name Port of Cromarty Firth (PoCF). Since the 1970s, the site has grown to support industrial developments, including aluminium smelting and fabrication. Improvements to onshore transport links, such as the opening of the Cromarty Bridge in 1979 and the Kessock Bridge in 1982 allowed industry on the north shore of the Cromarty Firth to prosper. In recent years port activities have included: oil and gas asset inspection, repair and maintenance; subsea engineering; decommissioning of marine structures; bunk cargo deliveries including for the renewable energy industry and support to the cruise tourism sector with approximately 100 ships regularly docking each year (around 10-20 cruise ships a month are planned between April and September 2025).

2.3 In terms of natural heritage, there are several statutory designated sites near the site that are designated for a range of marine sediment features:

- The Cromarty Firth Site of Scientific Special Interest and Ramsar site are both designated for mudflats and sandflats; whilst these are predominantly found in the sheltered bay areas of the Cromarty Firth (such as Nigg Bay and Udale Bay), the footprint of the designations run round the entire Cromarty Firth, with the exception of a small break at the port.
- The Cromarty Firth Special Protection Area (SPA) shares the same footprint and is designated for ornithology.
- The Moray Firth Special Area of Conservation (SAC) is designated for subtidal sandbanks. Although the designated site extends into the mouth of the Cromarty Firth at the Sutors, there are no sandbanks in this area. The sandbanks are found offshore approximately 1km from the disposal site.

2.4 The historic environment marine interest in the area comprise non-designated heritage assets within the firth out with the application site. Most notably this includes the shipwreck of WWI Armoured Cruiser HMS Natal 5km to the east of the application site. Other terrestrial designated assets include several listed buildings within Invergordon, as well as more distance listings on the Black Isle and to the north and west of Invergordon, including Old Rosskeen Parish Church and Burial Ground. Two scheduled monuments: Clach A' Mheirlich, Symbol Stone (SM1675) located to the north west, and Newhall Point, Chapel and Burial Ground, Balblair (SM5950) located across the firth to the south also lie within the study area.

2.5 The following landscape designations / interest within Highland are present in vicinity:

National Scenic Areas

- Dornoch Firth 17km north (scoped out of assessment owing to temporary wind farm blade tip visibility)

Wild Land Area

- WLA29 - The Rhiddoroch - Beinn Dearg - Ben Wyvis 18km west

Special Landscape Areas

- Sutors of Cromarty, Rosemarkie and Fort George (Sutors) 9km east
- Ben Wyvis 18km west

Landscape Character Types (scoped in within 15km)

- LCT 345: The Farmed and Forested Slopes – Ross and Cromarty - covering the immediate terrestrial setting of the application site and within the immediate study area up to 5km to the north, as well as extending along the north shore of the inner firth landscape up to and beyond 15km to the east and west, plus the most of the southern area of the Black Isle.
- LCT 346: Open Farmed Slopes – covering the northern coastal areas of the Black Isle and most of the northern Sutor adjacent to Nigg.

Gardens and Designed Landscapes (within 10km)

- Novar 7km west;
- Ardross Castle 8km northwest;
- Balnagown Castle 8km northeast; and
- Cromarty House 9km southeast.

2.6 In relation to visual receptors much of the study area is characterised by a range of coastal towns and settlements, small clusters of houses, dispersed farmsteads and individual dwellings. It also includes the larger industrial working town and port of Invergordon. Several housing developments and individual dwellings lie within 1km. The most densely settled areas are those within Invergordon, including much of the High Street (LVIA Viewpoint 3). The closest of these is at Cromlet Drive, adjacent to Viewpoint 2 at 0.5km to the northeast. The remaining largely residential parts of Invergordon lie within 1.5km, with some dispersed dwellings to the west of the town and a coastal line of houses at Saltburn at 2.5km east. There are also small clusters of dwellings at Newhall Point and Balblair, across the Cromarty Firth to the south between 1.3 to 1.5km. Several other settlements lie between 2 and 5km on the lower ground either side of the firth. The closest of these is at Jemimaville on the Black Isle. Alness, the largest settlement in the Ross and Cromarty area lies some 4.5km to the northwest. All have varying degrees of theoretical visibility of the proposal.

2.7 Other visual receptors with theoretical visibility include users of recreational routes and roads. The National Cycle Network (NCN) Route 1 makes use of the ferry at Cromarty to allow a circuit of the Cromarty Firth to be made during the summer. The southern route takes in Munlochy, Belmaduthy, Cromarty, Nigg, Balintore, joining the northern route at Tain. The northern route passes through Dingwall, Evanton, Alness and Scotsburn, coming within circa 3.8km of the site to the east of Alness. Key nearby roads include:

- the B817 which runs adjacent to the northern shore of the Cromarty Firth;
- the A9 further to the north, meeting the B817 at Dalmore to the west;
- the B9163 which runs above the southern shoreline of the Cromarty Firth connecting Balblair with the A9 to the west and with the B9160 which heads south from Balblair.

2.8 Wind farm projects in proximity of the proposal are recorded on the Councils onshore wind map. These must be taken into account when assessing the cumulative landscape and visual impacts of the proposal, with the applicant's

assessment detailing 45km study area. To date consented commercial scale onshore wind development has been well set back from the Cromarty firth and is confined to the northern hills and elevated land to the north west, including Novar and the cluster comprising Strathrory, Coire na Cloiche, Beinn Tharsuinn, and Beinn nan Oighrean. Further to the south west lies Fairburn. There are however applications pending / at EIA Scoping stage located further to the west. The moste notable is Abhainn Dubh situated close to the foot of Ben Wyvis some 15km west of the site, which gives rise to potential cumulative intervisibility and sequential effects across the inner firth landscape.

3. PLANNING HISTORY

3.1	27.03.2024	23/06045/MAR- MS-LOT consult scope: SCOP-0035 - Invergordon Service Base, Phase 5, Invergordon	EIA Scoping Consultation Response Issued

4. PUBLIC PARTICIPATION

4.1 The application is not advertised by the Council with this being undertaken and managed by the Marine Directorate.

4.2 Timeous representations received by THC: None recorded to date

4.3 Timeous representations made to Marine Directorate: None recorded to date

4.4 Material considerations raised are summarised as follows:

- None

4.5 All letters of representation received by the Council are available for inspection via the eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Those representations received by Marine Directorate can be accessed via https://marine.gov.scot/marine-licence-applications. It should be noted that some representations may have been submitted to both The Highland Council and Marine Directorate.

5. CONSULTATIONS

Consultations Undertaken by the Planning Authority

Consultees listed below with no summary are yet to respond to the consultation and any forthcoming responses will be passed onto the Marine Directorate.

5.1 **Invergordon Community Council (Host)**

5.2 **Alness Community Council**

5.3 **Ardross Community Council**

5.4 **Avoch and Killen Community Council**

5.5 **Cromarty Community Council**

5.6 **Ferintosh Community Council**

5.7 **Fortrose and Rosemarkie Community Council**

5.8 **Kiltearn Community Council**

5.9 **Kilmuir and Logie Easter Community Council**

5.10 **Nigg and Shandwick Community Council**

5.11 **Resolis Community Council**

5.12 **Saltburn and Westwood Community Council**

5.13 **Access Officer**

5.14 **Coastal Planning Officer**

5.15 **Development Plans Team**

5.16 **Ecology Officer**

5.17 **Environmental Health**

5.18 **Flood Risk Management Team**

5.19 **Forestry Officer**

5.20 **Historic Environment Team (Archeology))**

5.21 **Historic Environment Team (Conservation)**

5.22 **Landscape Officer**

5.23 **Transport Planning Team**

5.24 **Other Consultees** - Further consultations have been undertaken by the Marine Directorate, with the Marine (Scotland) Act 2010 (section 27(4)) setting out who must be consulted. This includes those specified in The Marine Licensing (Consultees)(Scotland) Order 2011 and in relation to any particular application, those persons or bodies who the Scottish Ministers consider it appropriate to consult. These are the four statutory consultees under the 2011 Order:

- Commissioners of Northern Lighthouses;
- the Maritime and Coastguard Agency;
- Scottish Environmental Protection Agency; and
- NatureScot.

All consultation responses are to be sent directly to the Marine Directorate.

6. DEVELOPMENT PLAN POLICY

6.1 Appendix 2 of this report provides details of the documents that comprise the adopted Development Plan, including details of pertinent planning policies as well as adopted supplementary guidance, and other material policy considerations which are relevant to the assessment of the application.

7. PLANNING APPRAISAL

7.1 The Council has been consulted by the Scottish Government's Marine Directorate on two marine license applications submitted under Part 4 of the Marine (Scotland) Act 2010 (the Act). A comprehensive detailed planning appraisal to help inform the decision making process is not however provided. This is because this is not an application for planning permission, for an electricity generating station, or for transmission infrastructure. As such, the Council is not the determining authority or a statutory consultee. The consultation period for the application has also been set by Marine Directorate is also restricted to 30 days. Although Council officers sought an extended period to respond this has not been agreed between the parties, owing to the project's consenting pathway being a particularly tight timescale with the applicant targeting a Scottish Ministers decision in Autumn 2025.

7.2 The Act (section 27(1)) specifies the following as matters which the Scottish Ministers must have regard to when determining a marine licence application:

- The need to protect the environment;
- The need to protect human health; and
- The need to prevent interference with legitimate uses of the sea.

The Act also gives some discretion to Scottish Ministers to consider 'other such matters' as they consider relevant.

7.3 It should also be noted that for applications under the Act, that the Development Plan is just one of a number of considerations. As such Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise, is not engaged.

Planning Considerations

7.4 The key considerations in this case are the overall compliance with the Development Plan and Other Government Policy, the related energy and economic benefit of the scheme, and all other material considerations. This report focuses in the pertinent matters the Council wish to bring to the attention of the Marine Directorate as decision maker.

Development Plan / Other Government Policy

7.5 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Inner Moray Firth Local Development Plan 2 (IMFLDP2), and statutorily adopted supplementary guidance.

National Policy

7.6 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports our economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.

7.7 The proposed development supports the delivery of the national Spatial Strategy, whereby in principle support for the development of offshore wind is established. Although not a national development in itself, the proposal constitutes a port expansion purposefully designed to facilitate the assembly of offshore wind turbines which are of a type and scale that benefit in principle support under NPF4 National Development 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure.

7.8 At the high level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout the document.

7.9 NPF4 Policies 1, 2, and 3 apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while contributing to the enhancement of biodiversity, as required by NPF4 Policy 3.

7.10 Specific to this proposal, as well as the support in Policy 1 (significant weight will be given to the global climate and nature crisis when considering development), Policy 11 of NPF4 supports all forms of proposals for renewable, low-carbon and zero emission technologies including wind farms and their supporting infrastructure. However, any project identified as a national development or otherwise requires to be considered at a project level to ensure all statutory tests are met, as set out in Annex 1 of the NPF4. This includes consideration against the provisions of the Development Plan, of which NPF4 is a part.

7.11 Complementing those policies is NPF4 Policy 4 Natural Places, which sets out that development proposals by virtue of type, location, or scale that have an unacceptable impact on the natural environment will not be supported. The policy goes on to clarify what that means for different designations. It sets out that proposals with likely significant effects on European sites (SACs or SPAs) require appropriate assessment, and that development proposals that will affect a National Park, NSA or SSSI will only be supported where: i) the objectives of designation and the overall integrity of the areas will not be compromised; or ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

7.12 Similarly, sites designated in Development Plans for local nature conservation or Special Landscape Areas (SLAs) are protected in NPF4 Policy 4 unless the development will not result in significantly adverse effects on its qualities or its integrity, or, these effects are clearly outweighed by social, environmental, or economic benefits of at least local importance.

7.13 Specific for energy developments, NPF4 Policy 11 states that the principle of all forms of renewable, low-carbon, and zero emission technologies is supported with the exception of wind farm proposals located in National Parks or NSAs. The policy goes on to state that while significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against. In this regard, the Highland Council has consistently given significant weight to a development's contribution to environmental targets prior to the adoption of NPF4.

7.14 NPF4 Policy 11 Part e) sets out the additional project design and mitigation requirements for energy proposals. This includes a broad range of matters akin to those to be assessed under HwLDP Policy 67. This includes consideration of the landscape and visual impacts and advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. Whilst this development proposal is offshore and for the potential assembly of offshore wind turbines, it will result in a number of onshore environmental effects, such as landscape and visual, meaning that the policy tests established in NPF4 remain applicable.

7.15 The other NPF4 policies relevant to this proposal are set out in the previous section of this report, the provisions of which are to be considered throughout the report of handling by the Marine Directorate.

Highland wide Local Development Plan

7.16 At the Highland region level, the principal policies against which the applications requires to be determined are Policy 41 Business and Industrial Land, and Policy 67 Renewable Energy of the Highland-wide Local Development Plan (HwLDP). These policies offer support for the build out of allocated sites for industry and renewable electricity generation.

7.17 HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation.

Proposals are required to be judged according to their contribution in meeting renewable energy targets and positive/negative effects on the local and national economy, as well as against all other relevant policies of the Development Plan and other relevant guidance. In this regard, although the proposals are for the assembly and commissioning of wind turbines, with such effects being of an intermittent and somewhat temporary nature, the development would help to facilitate the construction and servicing requirements of offshore wind farms that make a significant contribution to meeting renewable energy targets. In that context the Council will support proposals where it is satisfied they are located, sited, and designed such as they will not be significantly detrimental overall, either individually or cumulatively with other developments, having regard to the policy's 11 specified criteria (as set out in Appendix 2 of this report). Such an approach is consistent with the concept of HwLDP Policy 28 Sustainable Design and NPF4 Policy 11 Energy, to achieve the right development in the right place, and to promote appropriate management of development and land uses in the long-term public interest; it is not to allow development at any cost.

Area Local Development Plan

7.18 There is considerable support for the project established within the recently adopted Inner Moray Firth Local Development Plan 2 (IMFLDP2). Whilst the application site is offshore, the supporting narrative for the general polices within the IMFLPD2, Paragraphs 41 to 45, explain that:

> Para 41: "This Plan supports the area to maximise local and Scotland-wide benefits from investment in renewable energy and place the Highlands at the heart of the drive towards net-zero. The area's legacy of strategically important oil and gas fabrication sites and abundance of renewable energy resources off its coast mean it is ideally placed to be at the forefront of the fast moving green energy revolution. The ScotWind alone is a multi-billion pound, 50 year pipeline of offshore wind projects planned for the Outer Moray Firth and offers a unique chance build a green, sustainable economy which places our natural assets at its centre. The Council's Indicative Regional Spatial Strategy and NPF4 highlight the importance which this industry can bring to both Highland and wider Scotland, and for supporting local and national outcomes relating to a just transition and decarbonisation. To ensure that these economic and regeneration opportunities are delivered alongside the protection of the environment, ongoing engagement will be necessary with key agencies, particularly in relation to safeguarding the integrity of the internationally and nationally important natural heritage of the Cromarty and Moray Firths."
>
> Para 42 "The area's nationally important status has been further recognised through the Scottish Government and UK Government jointly identifying the Inverness and Cromarty Firth as one of the two new Green Freeports in Scotland. A cross-sector partnership is developing a series of proposals which includes the main ports in the Cromarty Firth and the Moray Firth; Port of Cromarty Firth, Port of Nigg, Port of Inverness, Ardersier and Highland Deephaven. These proposals aim to transform Highland's economy and help to regenerate communities. The ambitions of the Inverness and Cromarty Firth Green Freeport go beyond being the prime location for assembly, operation and maintenance services and extend to becoming an international base for

fabrication and manufacturing of renewable energy components and a leading research and educational hub. Together these components would establish the Inner Moray Firth as a global centre of excellence in renewable energy".

Para 44: "In recognition of the Council's support for the Inverness and Cromarty Firth Green Freeport project, and to maximise the benefits it can bring, this Plan seeks to enable its delivery. As part of the Council's contribution to the partnership leading the Green Freeport project, advice is being provided on how prospective Green Freeport developments can address national and local planning policies. The Council is also supporting and facilitating work with communities and partners as part of its place based approach in the parts of the Inner Moray Firth most directly linked with the Green Freeport. It is recognised that a degree of flexibility will be required to maximise the opportunities which may arise during the Plan period."

Para 45: "The Plan supports the growth of the sector by identifying a range of business and industrial sites, including each of the main ports in the region. The Council will also consider creating Masterplan Consent Areas (MCAs) for key ports and other strategically important sites, including for housing, to help assist the industry by streamlining the planning process."

7.19 IMFLDP Policy 7 Industrial Land continues to support industry by: 1) seeking to protect allocated industrial land for its intended land use; 2) to offer support for new industrial land on land not allocated in the Plan, including land outwith settlement development areas in appropriate locations which ensure sustainable travel, safeguard residential amenity, and does not adversely effect the environment; and 3) explain that all development proposals must be considered against the Agent of Change principle and ensure that established noise and other nuisance-generating uses (including industrial sites) remain viable and can continue or grow without unreasonable restrictions being placed on them.

7.20 The IMFLPD Placemaking Priorities (16) for Invergordon also specify: support further business and industrial expansion at allocated and established employment sites; Identify necessary improvements to Tomich junction and, where appropriate, seek developer contributions towards these; and proposals must demonstrate no adverse impact on the Cromarty Firth SPA as well as avoiding disturbance to features of the Cromarty Firth SSSI.

7.21 Part of the site falls within Industrial site Allocation IG05 Invergordon Harbour which covers all previous developed phases of Invergordon Port. The allocation's specified developer requirements are:

"Flood Risk Assessment required if non harbour related development is proposed. No sensitive uses in areas shown to be at risk of coastal flooding; protected species survey; safeguard the fabric and historic character of historically important (WWII) buildings; improve active travel links between the Port and the town centre; demonstration of no adverse effect on the integrity of Cromarty Firth SPA and Ramsar and Moray Firth SAC by public sewer connection and comprehensive sustainable urban drainage system which safeguards water quality and avoids sedimentation and other pollution reaching the Firth, satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan both

including prevention of sedimentation and pollution, noise and disturbance, Noise Mitigation Plan (including construction and operational phases and disturbance effects), Oil Spill Contingency Plan, Boat traffic Management Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movement in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance. Recreational Access Management Plan including consideration of water based activities, must ensure disturbance to the Moray Firth SAC bottlenose dolphin are avoided, must include satisfactory provision and/or contribution towards open space, path and green network requirements, including mitigation associated with the Inverness to Nairn Coastal Trail, adherence to the Scottish Marine Wildlife Code and the WiSE scheme to help avoid, for example rafts of birds on the water surface. **Any green freeport proposals which would extend beyond the IG05 site boundary shown on Map 20 Invergordon should provide a masterplan (with input from and early engagement with key agencies and other stakeholders) and address the relevant developer requirements set out above."** [Case Officer bold text emphasis].

Onshore Wind Energy Supplementary Guidance (OWESG)

7.22 The Council's Supplementary Guidance for Onshore Wind Energy is a material consideration in the determination of planning applications. It should be noted that the guidance does not provide additional tests to assess development proposals against over and above the Development Plan policy. Rather, the guidance compliments the policy by ensuring a consistent and robust methodology is adopted in the assessment of all applicable applications, in particular (although not exclusively) for consideration of landscape and visual impacts. In that way, the guidance provides a clear indication of the approach the Council takes towards the assessment of proposals.

7.23 The OWESG also provides strategic considerations that identify sensitivities and potential capacity for wind farm development called the Landscape Sensitivity Appraisals (LSA). The Black Isle Surrounding Hills and Moray Firth Coast Caithness LSA was published in 2017 and forms an integral part of the statutorily adopted OWESG. The findings of this study identifies key routes and key views which need to be given consideration in bringing forward development. While directed to onshore wind energy, the findings of the document are also applicable to offshore wind assembly and development given the similarities in development type.

7.24 Paragraphs 4.16 and 4.17 of the OWESG describe the 10 key design criterion that set the 'thresholds' developments should seek to achieve in order to ensure the development is appropriately sited and designed to avoid significant landscape and visual impacts, and in turn, comply with the applicable criteria of HwLDP Policy 67. The development's compliance or otherwise with the 10 criteria is expected to be appraised by the Marine Directorate in determining the application.

Other Government Policy

7.25 In assessing compliance with Other Government Policy, there is a vast suit of recent government publications in support of the development of offshore wind to meet net zero objectives, to meet UK energy needs and in the interest of maintaining security of supply. Those publications are listed within Appendix 2 are expected to be fully considered in the determination of the application.

7.26 In summary, in principal support for the proposal is established within the Development Plan, set out at both the national and regional level policy. Such support is not however unqualified. There are a considerable list of site specific developer requirements to be addressed by the application, particularly for the marine environment, all of which take time to assess through the determination of the application.

Energy and Economic Benefits

7.27 In terms of offshore wind, the draft Scottish Energy Strategy and Just Transition Plan and the Offshore Wind Policy Statement has identified a target of 8-11GW of installed offshore wind energy capacity in Scottish waters by 2030. As one of the cheapest forms of electricity, offshore wind is described as having a vital role to play in decarbonising our energy demand and securing a just transition to net zero. Subject to planning and consenting decisions and finding a route to market, there is 38 GW of offshore wind projects in the pipeline. When projects which are awaiting construction, under construction or already operational are added to this, the total potential capacity reaches over 40 GW – the equivalent to producing enough electricity to power every home in the UK for over a year and a half. The Draft Energy Strategy and Just Transition Plan's theoretical pipeline, if all delivered, would be well in excess of the 8-11GW target.

7.28 Further, the UK Government Clean Power Action Plan has also recently set a more ambitious target of 43-50 GW of offshore wind by 2030, to significantly reduce our fossil fuel dependency, with offshore wind being described as having a particularly important role as the backbone of the clean power system. The reported current offshore installed capacity stands at 14.8 GW (Q2 2024).

7.29 The proposed port facility would be one site of many assisting with the deployment of offshore wind. The port is strategically well placed to service this industry with planner arrays in relative close proximity across waters to the east and north of Scotland. If successful in targeting this market, the proposed site could construct 25 to 40 turbines per annum, make a significant contribution to Scottish and UK Government policy targets, British energy security, and the international commitments for renewable energy and electricity generation to facilitate net zero by 2045.

7.30 In terms of economic benefits, the proposed development anticipates a construction period of between 2 years, 3 months and 3 years with the project being operational for at least 50 years. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including for businesses ranging across construction, haulage, electrical and service sectors through the supply chain, with opportunities in research and development, design,

project management, civil engineering, component fabrication / manufacture, installation, and maintenance. The application is accompanied by a Socio-economics and Human Health assessment (EIA Chapter 10 and EIA Appendix J.1) which looks at both the construction and operational phases for the development covering the initial 25 to 26 year period.

7.31 Whilst this assessment covers a multitude of factors, a pertinent finding is that in terms of deprivation, Alness is represented by eight data zones, of which half are ranked in the top 20% of areas wit the greatest relative deprivation across Scotland. One of these data zones is within the top 10%. Invergordon is represented by six data zones, of which four are in the top 20% of areas with the greatest relative deprivation across Scotland and two of these are within the top 10%.

7.32 During construction, at the **Inverness and Cromarty Firth** level, the project is reported to give rise to in the region of 170 FTE jobs, rising to up to 320 FTE jobs in the best case scenario. An estimated £30.3m of GVA and £15.2m of income is predicted as an outcome of the lowest construction scenario. This could be maximised to an estimated £73.1m of GVA and £39.1m of income under the highest scenario.

7.33 During construction, at the **Highlands and Islands** level, the project is reported to give rise to in the region of 200 FTE jobs, rising to up to 400 FTE jobs. An estimated £34.9m of GVA and £17.6m of income is predicted as an outcome of the lowest construction scenario. This could be maximised to an estimated £84.3m of GVA and £45.3m of income under the highest scenario.

7.34 During operation, the minimum design scenario is assessed as generating approximately 280 net additional FTE jobs per annum for the **Inner Moray Firth**, nearly £30m of net additional GVA per annum and £11.8m of net additional income per year at peak operation. In the maximum case, economic impacts include the creation of approximately 1,000 net additional FTE jobs per annum, almost £99m of net additional GVA per annum and £47.2m of net additional income per year for the Inner Moray Firth, at peak operation.

7.35 For the **Highlands and Islands**, the Phase 5 Development is assessed as generating an estimated 280 – 1,000 net additional FTE jobs per annum, £30m – £100m net additional GVA per annum and £11.9 – £47.7m of net additional income per year between the range of design scenarios. Figures for the Inner Moray Firth and wider Highlands and Islands region are very similar, demonstrating that a vast majority of the net additional economic benefit will be retained within the Inner Moray Firth.

7.36 Following consultation, the Highland Council's Community Wealth Building Strategy 2024-2027 was agreed by the Council on 19 September 2024. The strategy provides a framework that sets out how the Council will utilise different activities to maximise the impact of investment in local areas and support more local ownership of assets and wealth. Since the application has been submitted, the Council has also published the Social Value Charter for Renewables Investment in June 2024. This has been brought to the applicant's attention.

7.37 The socio-economic chapter of the EIA includes details of a Green Freeport Skills

Plan. One of the Inverness and Cromarty Firth Green Freeport's key priorities is explained as to raise awareness amongst the current and future workforce of the range and scale of career opportunities presented by the Green Freeport and the supply chain. This will be implemented through outreach to careers advisers, schools, tertiary education providers and parents/carers. The Inverness and Cromarty Firth Green Freeport also has outlined a 10-point skills plan in collaboration with its partners. The skills plan includes but is not limited to:

- Engagement targeted at young people to address competition for labour and migration (include secondary school support);
- STEM outreach;
- Entry-level sector specific recruitment support and targeted pre-employment support;
- Supporting and developing pathways to skilled green jobs through Foundation and Graduate Apprenticeships and other industry focussed green pathways (e.g., accelerated pathways for schools in the Green Freeport area, focusing on children from disadvantaged areas);
- Increasing apprenticeship uptake and graduate recruitment by stimulating applicant demand though the increased outreach, supporting employers to engage and recruit from a pipeline of future Foundation, Modern and Graduate Apprentices;
- A 5% target for new jobs in the Green Freeport being apprentices or graduates;
- Collaborate with the University of the Highlands and Islands and other Higher Education institutions on enhanced routes to careers;
- Providing scholarship funding for apprentices, further and higher education students using a Skills Fund. Scholarship funding in intended to encourage diversity and target at areas of deprivation within the Green Freeport area;
- Enhanced and new commercial training and further and Higher Education; and
- Attracting new, skilled people into the region.

7.38 The Green Freeport, now in its early operational phase, is continuing work on the implementation of the skills plan, to provide employment for local people in high value jobs. This initiative is being delivered by the Green Freeport and is not solely associated with the Phase 5 Development project. However, the objectives of the skills plan seek to maximise the positive effect on education and training to be realised associated with the Phase 5 Development proposal as well as other Green Freeport tax sites. The port are actively supporting these objectives and encouraging potential users of the port to engage with the plans.

7.39 Although no community ownership has been proposed to date, the commitments set out in applicant's indicate that the proposal is potentially capable of contributing towards the Highland Council's Community Wealth Building Strategy, particularly in terms of ensuring the use of local supply chains and service, and local job creation. As such, additional support for the project can be given under NPF4 Policy 25 Community Wealth Building. The socio-economic commitments reported in the EIAR could be secured by condition, with these being integral to the project and accordance with the provisions of the Council's Development Plan.

Other Material Considerations

7.40 Other key terrestrial related material consideration which must be taken into account are listed below. Marine Directorate are required to give due regard to each of these potentially significant environmental effects in determining the application, with each of these topics expected to require the same level of scrutiny as any terrestrial renewables or industrial development application:

a) Layout, design, masterplanning, and alternatives considered;
b) Landscape and visual impact, including cumulative effects and covering residential visual amenity assessment;
c) Construction and operational environmental management, including working hours, Community Liaison Group, and appointment of an Environmental Clerk of Works and a Planning Monitoring Officer;
d) Roads and transport (including impacts on the local and Trunk Road, particularly at the Tomich Junction);
e) Wider public access (including a Recreational Access Management Plan) and improved active travel links between the port and Invergordon town centre;
f) Water, flood risk and drainage (including public waste water connection and other safeguards for water quality);
g) Natural heritage (including designations, species protection, ornithology and biodiversity enhancement);
h) Built and cultural heritage;
i) Construction noise (including dredging) and operational noise (including turbine cold and hot commissioning potential) and cumulative noise effects;
j) Shadow flicker associated with turbine commissioning;
k) Telecommunications;
l) Aviation (including a reduce lighting scheme);
m) Decommissioning;
n) Major accidents, disasters and human health; and
o) Any other material considerations raised by consultees / through representations.

7.41 Owing to the necessity to respond within a 30 day period, the Council has not provided a planning appraisal to assist with the determination process but rather will provide internal consultation responses, with recommended mitigation and conditions to the Marine Directorate for their consideration.

8. Matters to be Secured by Legal Agreement

8.1 The Council do not envisage to be party to any legal agreement required as part of the consenting process.

9. CONCLUSION

9.1 The Development Plan and national planning policy expressly support the deployment of renewable energy development, particularly offshore wind. Much of the site is allocated for industrial development and has a long established industrial heritage. In principal support for the proposal is therefore established within the

Development Plan, set out at both the national and regional level. Such support is not however unqualified. There is a considerable list of site specific developer requirements, and further environmental matters still to be addressed, particularly for the marine environment, all of which take time to assess through the determination of this application.

9.2 When considering such proposals, NPF4's Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. In assessing such nationally important development proposals, NPF4 Policy 1 demands decision makers to place significant weight to be given to the global climate and nature crisis.

9.3 Whilst there is clear in principle support for the development, any proposal must still be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which NPF4 is a part and all other material considerations. The related energy and climate change benefits associated with the proposal have been considered, with the project predicted to give rise to a substantial number of both construction and long term operational full time jobs for the region. The site is one of several sites within the Green Freeport which can collectively deliver long term economic prosperity for this part of Highland. The socio-economic impacts weigh heavily in favour of the proposal, however, these benefits must be carefully balanced with the environmental effects of the scheme and its impact on the amenity of the area. Whilst this response does not consider all environmental matters set out within the applicant's Environmental Impact Assessment, area which must be fully appraised in the decision making process have been set out. The acceptability or otherwise of the proposal will likely hinge upon:

- the marine impacts including on surrounding designations;
- landscape and visual impacts associated with the assembly if fully integrated offshore floating turbines at the site;
- port operational cumulative noise impacts with other port related activities;
- post operational lighting implications with other port related activities; and
- securing transport infrastructure upgrades and related mitigation measures.

In the absence of available time to respond, Council department consultee responses will be forthcoming to cover these matters beyond the stipulated 30 consultation period.

9.4 Although offshore, significant adverse landscape and visual effect will be experienced. These effects will be most acute when turbines are being assembled and commissioned on a regular basis with these to be floated out to sea which would not take place over winter months. Subject to the end use scenario, the applicant's Environmental Impact Assessment has identified such significant effects to be relatively localised, experienced by residents, recreational areas and routes: in and around Invergordon (LVIA Viewpoints 1, 2 and 3); from Newhall Point and the north side of the Black Isle to the south (Viewpoint 4), as well as from Alness (Viewpoint 5). Officer's initial review of the LVIA however indicates that such significant effects are anticipated to be more widespread, potentially extended

along the A9 to the north (Viewpoint 11), and at Cromarty Beach (Viewpoint 7). The severity and precise extent of such landscape and visual effects have not however been fully appraised by the Council, although it can be expected that the proposal will undoubtedly intensify portside industrial activity which will impact upon the rural character of the surrounding area. This is however for an overriding cause to help address climate change with the proposal creating substantial long term employment opportunities for the region. Given this context, on balance, the proposal can be considered acceptable.

9.5 As such, is considered that the proposal is capable of according with the principles and policies contained within the Development Plan and could be acceptable in terms of all other applicable material considerations, subject to the potential introduction of additional mitigation measures and conditions. Consequently, it is recommended that the Council raises no objection to the application.

10. IMPLICATIONS

10.1 Resource: There are significant staffing and financial resource implications if the application is to be subject to a Public Local Inquiry, albeit that in this case this process in not mandatory irrespective of the Council's response.

10.2 Legal: Not applicable as the Planning Authority are not the decision maker.

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: The proposed development may help facilitate the generation of significant amount of renewable energy and make a meaningful contribution towards achieving net zero.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued: N

It is recommended to **RAISE NO OBJECTION** to the application subject to the following:

A. Members grant delegated authority to the Area Planning Manager – North to respond to the Marine Directorate regarding any future Further / Supplementary Environmental Information, where that does not: i) materially increase the scale of the proposed development; and ii) result in any additional significant adverse environmental effects; and iii) does not undermine or remove mitigation to be secured within the Council's consultation response on the application;

B. Members granting delegated authority to the Area Planning Manager - North to provide a subsequent response(s) Marine Directorate to supply all consultation responses received on the application, with scope to recommend further mitigation and conditions to regulate the development in

respect of terrestrial environmental impacts, and to ensure that socio-economic impacts are maximised.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Peter Wheelan, Strategic Projects Team Leader
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan
	Plan 2 – Consenting Red Line Boundary

Appendix 1 – Letters of Representation

None received to date.

Appendix 2 - Development Plan and Other Material Policy Considerations

DEVELOPMENT PLAN

National Planning Framework 4 (2023)

A2.1 The NPF4 policies of most relevance to this proposal include:

National Development 3 (NAD3) - Strategic Renewable Electricity Generation and Transmission Infrastructure

1 – Tackling the climate and nature crisis

2 – Climate mitigation and adaptation

3 – Biodiversity

4 – Natural places

7 – Historic assets and places

11 – Energy

13 – Sustainable transport

22 – Flood risk and water management

23 – Health and safety

25 – Community wealth building

Highland Wide Local Development Plan 2012

A2.2 28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

41 - Business and Industrial Land

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other Important Species

60 - Other Importance Habitats

61 - Landscape

63 - Water Environment

67 - Renewable Energy Developments – inclusive of the following 11 criteria:

- natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);

- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the groundsthat they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism and recreation interests;
- land and water based traffic and transport interests.

72 – Pollution

Inner Moray Firth Local Development Plan (IMFLDP2)

A2.3 Whilst the application site is offshore, the supporting narrative for the general polices within the IMFLPD2, Paragraphs 41 to 45 is relevant as it sets the strategic context for the proposal. This is detailed within the main body of the report.

A2.4 IMFLDP2 general Policy 7 Industrial Land is applicable.

A2.5 Part of the site also falls within Industrial site Allocation IG05 Invergordon Harbour which covers all previous developed phases of Invergordon Port.

A2.6 The IMFLDP2 also identify the Special Landscape Areas (SLA) within the plan area.

Highland Council Supplementary Planning Policy Guidance

A2.7 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in Policy 67 of the Highland-wide Local Development Plan for Renewable Energy Developments. This document is a material consideration in the determination of onshore wind energy planning applications following its adoption as part of the Local Development Plan in November 2016. However, it also provides a useful assessment methodology for consideration of landscape and visual matters. This can usefully be applied to aid assessment of offshore wind related energy development.

A2.8 The document also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and, the Caithness Sensitivity Study (adopted 2017).

Other Highland Council Supplementary Guidance

A2.9

- Biodiversity Enhancement Planning Guidance (May 2024)
- Developer Contributions (Mar 2018)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Special Landscape Area Citations (Jun 2011)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)

OTHER MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and Planning Guidance

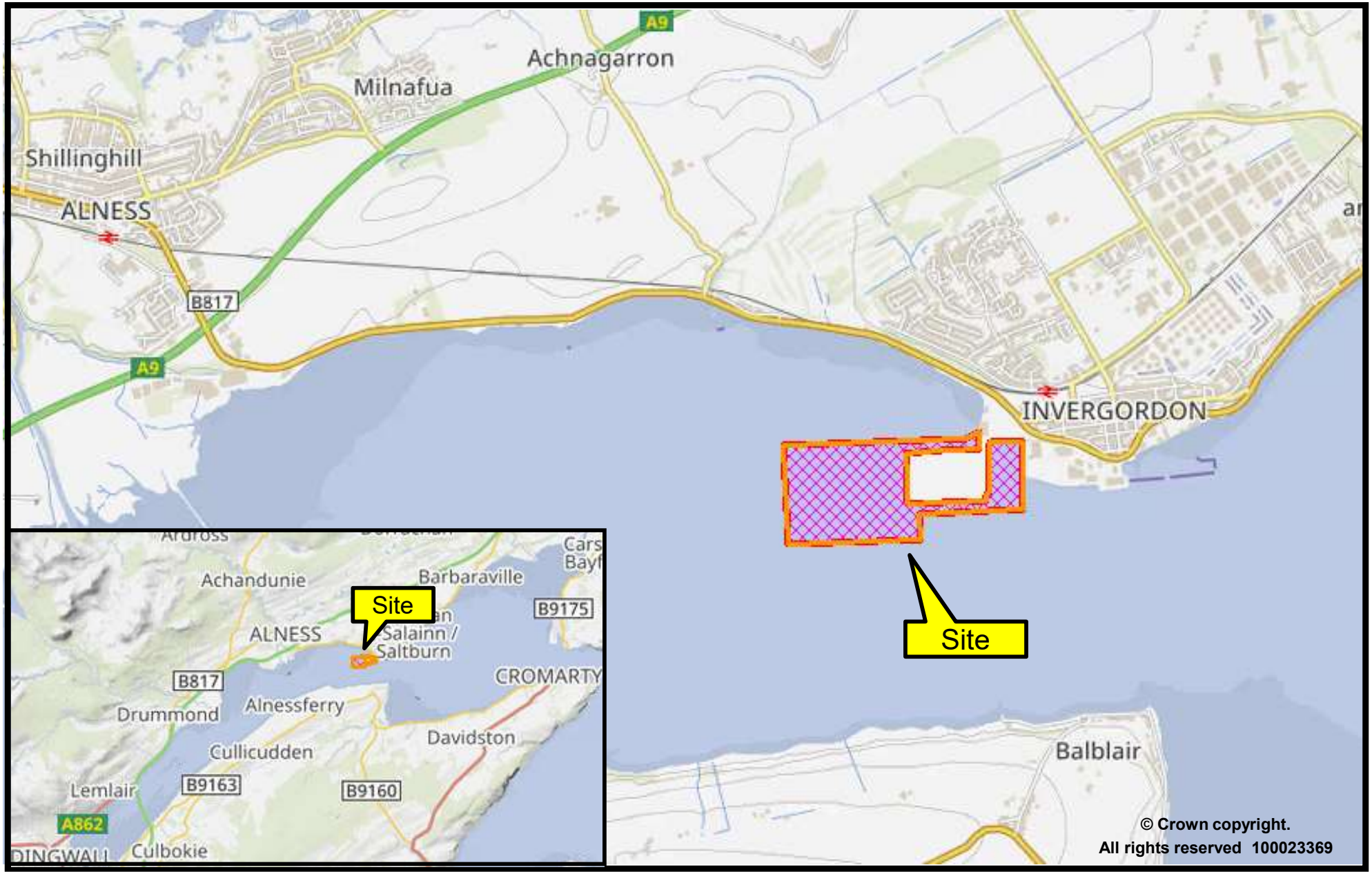
A2.10 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published in 2026 following undertaking evidence gathering and Gate Check.

A2.11 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Other National Legislation, Policy and Guidance

A2.12

- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – interim and annual targets replaced by Climate Change (Emissions Reduction Targets) (Scotland) Bill in November 2024
- Climate Change Committee Report to UK Parliament (July 2024)
- UK Government Clean Power Action Plan (Dec 2024)
- Draft Energy Strategy and Just Transition Plan (2023)
- Offshore Wind Investment Roadmap Policy (2023)
- British Energy Security Strategy (2022)
- Sectoral Marine Plan for Offshore Wind Energy in Scotland (2020)
- Offshore Wind Sector Deal (2020)
- Offshore Wind Policy Statement (2020)
- Scottish Energy Strategy (2017)
- Scotland's National Marine Plan (NMP) (2015, reviewed in 2018 and 2021)
- 2020 Routemap for Renewable Energy (2011)
- Draft Scottish Biodiversity strategy to 2045: tackling the nature emergency (2023)
- Historic Environment Policy for Scotland, HES (2019)
- PAN 1/2011 - Planning and Noise (2011)
- PAN 60 – Planning for Natural Heritage (2008)
- Circular 1/2017: Environmental Impact Assessment Regulations (2017)
- NatureScot: Guidance on Aviation Lighting Impact Assessment (2024)



The Highland Council
Comhairle na Gàidhealtachd
Planning, Infrastructure Environment & Economy

25/00638/MAR

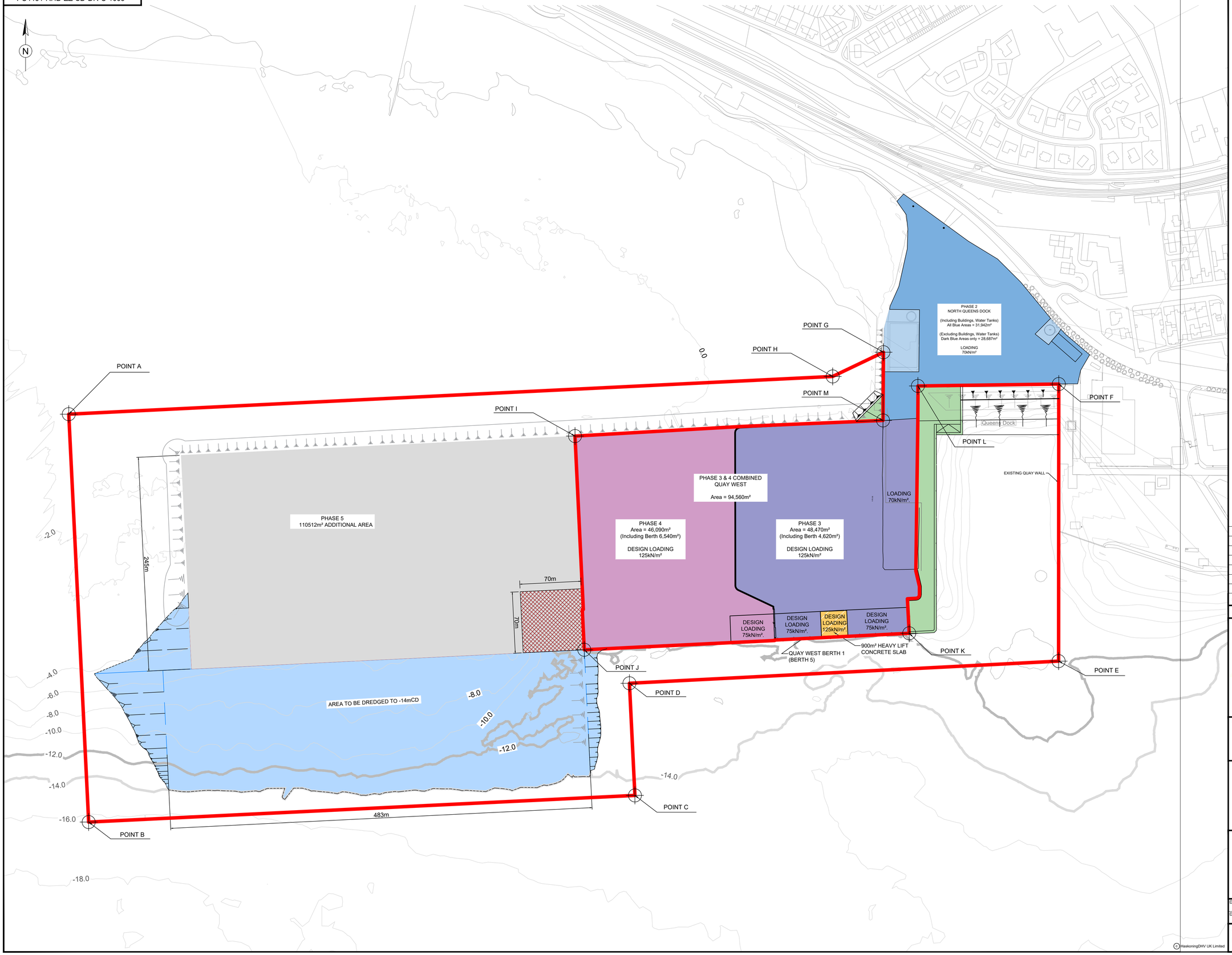
MS-LOT consult licence - Invergordon Service Base Phase 5

At Port of Cromarty Firth, Development Site At Queens Dock, Shore Road, Invergordon

N

DRAWING No.
PC4461-RHD-ZZ-SD-DR-C-1009

DO NOT SCALE



NOTES

1. THIS PROPOSED DEVELOPMENT GENERAL ARRANGEMENT IS BASED ON CLIENT'S DRAWING 1024-PH5-048.
2. THE ADDITIONAL AREA OF PHASE 5 IS 110512m^2.
3. PHASE 2, 3 AND 4 ARE EXISTING.
4. COORDINATE SYSTEM USED IS WGS 84.

KEY:

- PHASE 2
- PHASE 3
- PHASE 3B
- PHASE 4
- PHASE 5
- CONSENTING RED LINE BOUNDARY

POINT	LATITUDE	LONGITUDE
A	57° 41.182' N	4° 11.728' W
B	57° 40.930' N	4° 11.690' W
C	57° 40.958' N	4° 11.062' W
D	57° 41.027' N	4° 11.073' W
E	57° 41.049' N	4° 10.580' W
F	57° 41.220' N	4° 10.590' W
G	57° 41.236' N	4° 10.793' W
H	57° 41.220' N	4° 10.850' W
I	57° 41.178' N	4° 11.144' W
J	57° 41.047' N	4° 11.126' W
K	57° 41.063' N	4° 10.753' W
L	57° 41.216' N	4° 10.752' W
M	57° 41.194' N	4° 10.790' W

REV	DATE	DESCRIPTION	BY	CHK	APP
P07	30/10/2024	ADDITIONAL POINTS ADDED	SJ	TH	AM
P06	28/10/2024	UPDATED BASED ON COMMENTS	SJ	TH	AM
P05	23/10/2024	LONG/LAT ADDED	SJ	TH	AM
P04	21/10/2024	COORDINATES ADDED	SJ	TH	AM
P03	18/10/2024	UPDATED BASED ON COMMENTS	SJ	TH	AM
P02	15/10/2024	UPDATED BASED ON COMMENTS	SJ	TH	AM
P01	14/10/2024	FIRST ISSUE	SJ	TH	AM

REVISIONS

CLIENT

PORT OF CROMARTY FIRTH

PROJECT

PoCF - PHASE 5L

TITLE

CONSENTING RED LINE BOUNDARY - PHASE 5

74/2 Commercial Street,
Leith, Edinburgh, EH6 6LX
Tel: +44(0)131 555 5506
Email: info@rhdhv.com
Website: www.royalhaskoningdhv.com

Royal HaskoningDHV
Enhancing Society Together

DRAWN	CHECKED	APPROVED
SJ	[R	[R
DATE: OCT'24	SCALE AT A1: 1:2000	REF: PC4461-RHD-SD-XX-DR-C-1008-1009.dwg

DRAWING No.	SUITABILITY	REVISION
PC4461-RHD-ZZ-XX-DR-C-1009	S5	P07

From:	Anne Cowling (Planning (South))
To:	Peter Wheelan (Planning (South))
Subject:	Port of Cromarty Invergordon, Phase 5.
Date:	19 March 2025 11:04:22
Attachments:	Screenshot Phase 5 plus aerial and parking.JPG Eastern Car Park Pre-Phase 4.JPG Eastern Car Park Phase 4.JPG

Peter,
Further to our previous discussion, I attach a screenshot which shows the proposed development in place over an aerial mapping base of the area and have highlighted the three parking area which are closest to the proposal. I also include screen captures from the easternmost car park showing the outlook across the firth pre and post construction of the Phase 4 reclaimed land.
The proposed Phase 5 would bring a similar change in outlook and consequent loss of amenity for all three of the car park areas highlighted on the aerial map image. While this would not be a sufficient detriment in its own right to object to the development, it would be reasonable to seek for the applicants to seek ways to offset or compensate this loss of local amenity, whether that be through provision if a parking area elsewhere or otherwise increasing the amenity of the existing facilities.

Anne Cowling
Landscape Officer
01463 785151
The Highland Council
Infrastructure, Environment and Economy Service
Planning & Building Standards
Strategic Projects Team
Headquarters
Glenurquhart Road
Inverness
IV3 5NX

Submitting Information:
If you need to add new information to your existing application, please use the online form ***Post Submission Additional Documents*** (PSAD) in the ePlanning.scot portal. and quote the reference number for your original application. Our Planning Web Pages have further help and guidance.
Our Officers and Offices can no longer accept your documents directly.

The Highland Council
Comhairle na Gàidhealtachd

Per Elizabeth Skelton
The Scottish Government
Marine Directorate – Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for:	Peter Wheelan
Direct Dial:	01463 702262
E-mail:	peter.wheelan@highland.gov.uk
Our Ref:	25/00638/MAR
Your Ref:	00011084 / 00011085
Date:	17 March 2025

By Email Only: Elizabeth.skelton@gov.scot
MD.MarineRenewables@gov.scot

cc. joanne@cfpa.co.uk
fiona.henderson@affriclimited.co.uk

Dear Liz

HIGHLAND COUNCIL REFERENCE: 25/00638/MAR

DEVELOPMENT: INVERGORDON SERVICE BASE PHASE 5 - ERECTION AND OPERATION OF A 450M LONG BERTH, COMPRISING LAND RECLAMATION TO CREATE QUAYSIDE AND LAYDOWN SPACE FOR A MULTIUSE FACILITY, TARGETING COMPONENT STORAGE, ASSEMBLY, AND PRE-COMMISSIONING OF FULLY INTEGRATED OFFSHORE WIND TURBINES, WITH CAPACITY TO ACCOMMODATE UP TO 3 WIND TURBINES WITH A MAXIMUM BLADE TIP HEIGHT OF 330M TO BLADE TIP ABOVE MEAN SEA LEVEL, HEAVY LOAD PAD TO FACILITATE A RING CRANE OF UP TO 250M IN HEIGHT, CRAWLER CRANES, BERTH WITH ROLL-ON ROLL-OFF CAPABILITY, DREDGING AND ANCILLARY INFRASTRUCTURE INCLUDING LIGHTING
LOCATION: PORT OF CROMARTY FIRTH, DEVELOPMENT SITE AT QUEENS DOCK, SHORE ROAD, INVERGORDON

The Highland Council was consulted by your office on 17 February 2025 for the above marine License applications 00011084 and 00011085 with the timescale to respond being 30 days – by 19 March 2025.

Having report the applications to the 12 March 2025 North Planning Applications Committee, this letter seeks to convey the response of The Highland Council.

We can confirm that the Council **RAISE NO OBJECTION** to the applications, subject to the matters set out in Section 11 of the report.

Attached is a copy of the report on handling which sets out the Council's assessment. It is requested that this report be appended to this letter and be made available on the Marine Directorate's website.

The minute of the committee meeting shall be made available on the Council's website via the following weblink:
https://www.highland.gov.uk/meetings/committee/36/north_planning_applications_committee

A webcast of the committee meeting is also available via the following weblink:
North Planning Application Committee - 12 March 2025 - Wednesday 12 March 2025, 9:30am - Highland Council Webcasting

Additional Responses and Recommended Conditions

Owing to the limited consultation period the report on handling focuses mainly on the principle of development, energy and socio-economic impacts. There are however several other marine and terrestrial related material considerations which must be taken into account by the Marine Directorate / Scottish Government as decision maker. Those pertinent to the determination of this proposal are listed at Section 7.40 of the report on handling. It is understood that due regard will be had to each of these potentially significant environmental effects in determining the application, with each of these topics expected to require the same level of scrutiny as any terrestrial renewables or industrial development application.

To assist with the assessment process, internal Council consultation responses received to date are appended to this letter. Other outstanding responses will be supplied upon receipt, with these departmental comments anticipated to include scope for recommended further mitigation measures and conditions to regulate the development.

Please do not hesitate to contact me if you would like to discuss the contents of this letter or the accompanying report on handling.

Yours sincerely,

Peter Wheelan
Strategic Projects Team Leader

Enclosures:
- 12 March 2025 North Planning Applications Committee – Report on Handling
- Consultee Comment Response Transport Planning
- Consultee Comment Response Coastal Planner
- Consultee Comment Response Contaminated Land
- Consultee Comment Response Community Wealth Building
- Consultee Comment Response Flood Risk Management Team
- Consultee Comment Response Historic Environment Team – Conservation

CONSULTATION RESPONSE

To:	Peter Wheelan– Planning Team Leader
From:	Jane Bridge – Senior Engineer, Transport Planning
Subject:	Invergordon Service Base Phase 5
Date:	14/03/2025
Your ref:	25/00638/MAR

The A9 is scoped out of this response as it is a Trunk road and is not the responsibility of Highland Council as Local Roads Authority.

Application description
Highland Council has been consulted regarding two Marine Licence Applications for the Phase 5 development at Cromarty Firth Port. The applicant had previously been in contact with the planning authority seeking advice on the Scope of the Environmental Impact Assessment (23/06045/MAR).

The supporting information is available on the marine.gov.scot website at the following location; Invergordon Service Base Phase 5 Development | marine.gov.scot

The proposals are to provide an additional 110,250sqm of laydown space (the laydown area was increased at phase 4 (advice was given by the Council and Transport Planning team under reference 18/02294/PREAPP) by 45,000sqm from the previous 50,000sqm available at phase 3. This is approximately a doubling of the available laydown area and a fourfold increase from the laydown area available in 2018. The proposed usage is the storage, assembly and pre-commissioning of offshore wind turbines, with capacity to accommodate up to 3 large turbines with a maximum tip height of 330m. Expansion is required as part of the Greenport initiative and to align activities for the shift away from Oil and Gas towards offshore wind opportunities. The PoCF has geographical benefits for supply and logistical demands.

A need to develop modern facilities for the cruise industry is also noted.

Construction Phases EIAR Volume 2 (section 2.7.1)
Dredge: The spoil material is not suitable for reuse and is to be disposed at sea at site CR019 at the Sutors by bottom opening hoppers.
Revetment Construction: The core material may be delivered by road or sea (the conservative assumption would therefore to assume land based delivery). The rock armour will be sourced from local quarries and delivered by road.
Quay Wall and Piling: The quay wall steel piles will be delivered by sea due to their length. The shorter anchor piles may be delivered by road. The tie rods may be delivered by road.
Heavy Load Pad: This piling is likely to be concrete – the source is not noted but it is assumed that it may be delivered by road. On-site batching may be preferred rather than ready mix as the volume required is substantial but the EIAR has assumed ready mix as this is conservative.
Infill: Bulk infill material will be delivered by sea. Surcharging may be used to speed up the settlement process but it is proposed that the material will be reused multiple times prior to finally being placed as infill. Final design is not yet complete.

Servicing and surfacing: It is likely that materials will be delivered by road.

The operational activities include:

- manufacture of major wind turbine components (such as anchors, mooring components, or concrete gravity substructures)
- production of concrete floating substructures, with substructure being poured and built onsite
- final assembly of steel or concrete floating substructures, where the structures are fabricated elsewhere, delivered in several 'mega-blocks' (for ease of transport) and the assembly is completed at the port
- turbine integration, where the turbine components are manufactured elsewhere and delivered for integration onto substructures
- pre-commissioning and initial testing, where turbines are tested and potentially powered up to ensure they are working effectively prior to being towed to the wind farm site and
- major maintenance support, where floating turbines are brought back to port for major component exchange or maintenance.

Port Operations EIAR Volume 2 (section 2.7.2)
Phase 5 is a multi-use facility which will be rented out by PoCF to tenants.
The main offshore component's will be delivered by sea but it is not clear if some of the ancillary items will require road delivery. The workforce will require access by land.

Maintenance and Decommissioning.
Ongoing maintenance of the port infrastructure will be required – this will not be as significant as construction and should be considered as part of the port operations.

The construction phase will give the worst-case scenario. Decommissioning should be dealt with in a similar manner to the construction and so detailed consideration at this stage is not required – it may be appropriate to frame conditions to cover the eventuality (for example what happens if the dock does fall into disuse – Stena's port of Stranraer is perhaps an example of what happens if this is not planned for).

Pre-application engagement with the Local Roads Authority
For the previous phase 4 the Trust Port carried out active engagement including scoping and site meetings with Transport Planning. They also engaged a Transport Consultant with experience in Transport Planning and produced a draft Travel Plan (none is supplied with this application).

The size of the development is around twice that of the previous expansion. There has not been any pre-application engagement with the Local Road Authority (Transport Planning) by the Port. In addition only a limited consultation period has been allowed at a time when the Planning services of the Council are under considerable pressure due to the high number of energy related consents. Therefore, this response has been produced under significant time pressure and items may have been missed or not justified with as much detail as usually expected.

Traffic and Transport Assessment is considered in Chapter 15 of the EIA (and Chapter 17 of the Appendices.
Transport Scotland advised that Traffic should be scoped into the EIA and requested an Abnormal Loads Assessment report be provided to identify pinch points. The applicant has not included any detailed assessment regarding this issue.

15.3.2 The applicant has utilised the Council's Guidance on the Preparation of Transport Assessments 2014 as well as the relevant guidance from Transport Scotland which is suitable. However, the applicant has considered only the EIA requirements. Many roads in Highland area are not constructed to modern standards. A structural assessment of the suitability of any sensitive infrastructure to withstand significant increases in the volume of HGV movements is required. For sensitive infrastructure the threshold is taken as 10% not 30%.

Figure 15.4.1 shows the study area

Figure 15.4.1: The Study Area for the Phase 5 Development Traffic Assessment

Trip Generation
Transport Planning consider that the Transport Assessment should include additional data on the likely trip generation during the operation phase caused by the increase in the port capacity that is being created by the proposed marine development and the testing of different operational scenarios. At present the Assessment is not considered robust.

There is no detailed calculation or justification of the car based trip generation due to the increased size of the port and the workforce required to service it. Sensitivity testing for different cases and some analysis of the existing situation is expected. In section 15.7.2.1.1 it states that there could be between 83 and 1,148 FTE on-site roles during the operational phase. It is not clear how robust the assumption of 460 workers per day in two shifts is. The assumption that 25% will travel actively for shift based work and based only on the Scottish Household Survey does not appear robust. At the time of the last Transport Assessment it was noted to be 15%. It has also been assumed that there will be 10% car sharing. I include the previous summary of the results from the information submitted for the last assessment in Appendix A.

At the last Transport Assessment for phase 4 an outline travel plan was submitted. This included targets and Transport Planning request information on whether this has been implemented by the Port Authority and if any quantative information is available.

Some sensitivity testing is expected for different operational scenarios. The lay-down area may be used for a variety of uses not just for off shore windfarms. There is no consideration of the generation of traffic to service cruise liners or on shore windfarm clients. These uses generate coaches, higher levels of walking wheeling and cycling in the vicinity of the port and higher levels of abnormal load movements. The single case that has been considered is for the offshore windfarm use of the laydown areas which is not the critical case for road based transport. Different vehicle types including Abnormal Load requirements have not been adequately assessed. The assessment is not considered robust.

Vehicle Routes – Study Area
The operational routes for HGVs, coaches servicing the cruise liners, abnormal load vehicles for onshore windfarms and for staff do not appear to have been included in the study area. Transport Planning consider this a significant ommission.

In particular the route via Invergordon to the Tomich junction onto the A9 should be included in the study area. Confirmation is required that it is not used by HGVs and buses servicing the port and traffic management measures may need to be agreed for the operational phase. It is used by abnormal loads (for example for onshore windfarm components) from the port, it may be used by workforce accessing from the north on the A9. Recent transport assessment for the 66 houses at Rosskeen in the North of Invergordon indicated that this junction is approaching capacity (planning reference 23/05466/FUL). The community raise frequent concerns about road safety due to the undesirable left–right stagger at this junction and the lack of capacity for right turn queuing on the A9 especially for HGVs.

The routeing for HGVs during construction indicated is:

1) Via the western gate along thte B817 accessing the A9 at Dalmore junction. This avoids the centre of Invergordon and Tomich junction and is welcomed (and was used for the previous phase). A S96 Agreement will be required to manage the risk of damage to this route if the volume of HGV traffic proposed is extra-ordinary.

2) Via the Struie Road (B9176) to local quarries. From Transport Planning's experience of recent development such as the Edderton Hydrogen Plant (23/05242/FUL) and the Strathrory Windfarm (22/02442/FUL) it is highly likely that during the construction phase the volume of HGV traffic generated will be extra-ordinary and a S96 Agreement will be required. It is also considered likely that there will be other concurrent development ongoing and a pro-active formal agreement will be needed with all developers to manage HGV traffic on this route which has sensitive infrastructure (historic bridges and retaining walls), sections prone to landslip, an historic construction (does not have a full thickness of modern road base) and where the Council regularly has safety concerns raised by the community concerning HGVs. The route passes Ardross School which is a sensitive receptor.

Junction Capacity
No quantative assessment of junction capacity to the port has been provided – this relies on appropriate traffic generation data and on existing data on the operation of the junctions which is also missing. The assessment is not considered robust.

Road Safety Data
The Community have longstanding concerns about the Tomich Road junction onto the A9 which is significantly below current standards; historically there was a fatal accident and there are anecdotal accounts of frequent near misses.

There were concerns before the last transport assessment carried out by the port regarding undisciplined parking of coaches on the B817 due to the increase in cruise ships and passengers at that time. Some trip operators do not pay to be affiliated to the port and are therefore not allowed into the harbour area. The coach parking was causing problems for through traffic and raising concerns about pedestrian safety for passengers walking out from the port to access these vehicles. Informal joint working between the Trust Port and the Council as Roads Authority over the last year has reduced this problem. However, it should be kept under review due to the possible extension or modernisation of the docking facilities for the larger vessels at the port. As noted earlier, Transport Planning have requested additional information on the different operational scenarios that will be enabled by this development including the facilities for cruise liners as this was not clear in the assessment.

The traffic collision data has only been considered along the B9176 (Struie Road) and on the B817 (Dalmore) Roads. This has not indicated any particular locations of concern. However the communities using there routes frequently raise concerns. The information on road safety is presented in a very cursory manner – only general statements are given with no detailed analysis; there is not even a plan of the locations. **A more detailed and up to date examination of the frequency and cause of the collisions on both these roads is requested. Only general statements are given with no analysis, there is not a plan showing the location of the collisions.**

The community raise frequent concerns about HGV traffic safety issues and speed on the B9176. Recent correspondence from the Community Council at Ardross dated 06/03/2024 relating to the Hydrogen Plant (23/05242/FUL) included the following relevant points;

- It should be noted that the B9176 is single file in places at Newbridge and Strathrory Bridge. The applicant should be asked to consider the impact of the extra traffic during both construction and operation at these pinch points.

- The Traffic Statement does not consider the effect on the well known locally accident spots at Newbridge and Strathy as well as the two recent serious accidents at the Dalnavie cross-roads.
- The traffic surveyfigures vary considerably for the same count in 2016 there were only 64 HGV traffic movements.
- The Traffic Statement takes no account of the concertining of construction traffic due to snow/ice road closures.
- The B9176 is a popular cycle route especially during the summer there is no discussion of this. The B9176 represents a short cut taking in the Millionaires View for the Sustrans Route between Dingwall and Ardgay. It is regularly used for the Land's End to John O'Groats cycling events.

Sustainable Travel
Travel Plan during operation and information on Modal Share
Unlike the previous assessment no draft Travel Plan has been submitted with this report.

There does not appear to be any recognition of the need to take positive action to reduce reliance on car-based transport and to minimise motorised traffic generation by the Port during operation. Generic statements are made about car sharing which is hard to develop on a multiuser site. There appears to be an opportunity for the Port to act as Travel Co-ordinator for the site and their clients, to set targets and to contribute to the co-ordination and provision of community, public and work-based transport schemes. However, there is no mention of a Travel Plan (for the Operational Phase) and no quantative supporting information has been submitted regarding current modal share for the workforce. There is a reliance on modal information from the census (information from TRICS indicates that the census data can overestimate the contribution from active travel when used to calculate modal share).

Transport Planning consider that a draft plan is required to support the Transport Assessment. The plan shall include mode share targets and the appointment of a site wide travel plan co-ordinator by the Port. An annual travel to work survey and monitoring of the mode share is appropriate once the construction works are complete and the expansion is operational in the first instance although this would be subject to review as part of the ongoing development of the Travel Plan. The results of the monitoring and development of the Travel Plan should be reviewed by the joint working group on an annual basis. A condition on any consent is requested to ensure; the appointment of a Site Wide Travel Plan Co-ordinator; the ongoing development of a Travel Plan (including monitoring of mode share for travel to work at the Port, the monitoring of parking by customers, contractors and staff and development of suitable objectives and targets for managing parking) and the review of the Plan on an annual basis once the expansion is operational by the joint working group. Following the first three years of full operation of the development the frequency of subsequent reviews would then be agreed by the working group.

Walking, Wheeling and Cycling
There is no quantative assessment of the active travel routes to the remote car park, the town centre, to the rail station or to the nearest bus stops, nor for the cruiser customers who walk to access the 'private' and Port authorised options for trips from Invergordon. There is no information on the current/ recent volume of non-motorised trips. No consideration has been given to any likely increase in these trips due to the development this is considered a significant omission by Transport Planning.

At the time of the previous assessment there were substandard facilities noted such as a lack footways and a limited number of dropped kerbs and tactile paving along the B817. There is no footway on the southern side of the B817 from the main access west to the High Street junction and between the eastern side of the port to the tourist booth at Ken's garage. Some cruise liner passengers were observed walking along the carriageway.

Traffic Count Data
As noted earlier Transport Planning consider that other routes should have been included in the study area and traffic count data provided for them.

The count data on the B9176 (Struie Road) is taken from the DfT website (number 979064). The latest data given in table 15.5.3 is from 2019. This is not in accordance with the Council Guidelines which requires counts to be within the last 3 years. This data is around 6 years old. However the traffic volume is likely to have increased from this level. As a baseline it will therefore give conservative threshold values. However, if capacity is likely to be a concern then it may be necessary to source more recent data (which may well be available given the number of recent planning applications in the area). Capacity on the link is not liely to be a constraint as the junctions will be the limiting factor. In any case structural and safety concerns are more likely to be critical than capacity. **The daily flow is given as around 1827 vehicles per day and 101 HGVs per day.** It can be seen that the estimated link capacity of 1800 vehicles per hour is not a sensible figure to use for this historic rural road. This would equate to a full days traffic concentrated into just one hour. The road is showing some structural issues (particularly subsidence) even at existing traffic volumes which are only 10% of this theoretical maximum. Any capacity issues that arise are likely to be due to junction capacity or areas where the horizontal alignment is so substandard that it is difficult for two HGVs to pass or proceed at assumed design speeds.

The count data for the B817 Dalmore road is also older than 3 years. It dates from a count carried out for the previous phase 4 in 2016 and is almost a decade old. However, as previously this represents a conservative baseline for threshold analysis. If capacity is critical then it may be necessary to source more recent data, however, this is not thought to be likely for this route. Structural concerns are much more likely to be critical. **The daily flow is given as around 2261 vehicles per day- no data has been given regarding HGV flow and this figure is required for the threshold assessment for HGV useage during construction.** Again the theoretical link capacity of 1800 vehicles per hour is not a sensible figure to use for this historic rural road, at present there are not significant capacity issues and any that arose would be related to junction not link capacity. Structural capacity and road safety are far more likely to be critical factors on this route.

Parking Requirements
At the time of the phase 3 expansion of the port problems with car parking were experienced in Invergordon close to the harbour due to a lack of spaces for port customers leading to conflict with residents. The Council raised the issue in 2013 and these were addressed by the Consent process including the provision of an additional 94 spaces by construction of the Shore Road Car park. Following this there has been a significant downturn in the oil and gas industry reducing the work force at the port and hence the demand for parking. The applicant notes that together with the parking on the south side of the B817 at the main gate, harbour office and port office there are 284 parking spaces currently available. However some of this is public parking for the town itself.

However, no parking study has been carried out to support his application (one was carried out for phase 4) and no detailed calculation of parking demand or consideration of a range of operational scenarios has been included. The assessment does not appear to provide sufficient quantative data to support the conclusion that no additional parking provision is required.

It is noted that the requirements of the Port may change over time as they have done in the past and it is considered reasonable that these be managed by the Port to mitigate impact on the traveling public and local residents.

As well as requesting additional consideration pre-application it is also requested that the scope of any Travel Plan include monitoring of the parking by customers, contractors and staff of the Port and development of suitable management proposals to address any problems. The Travel Plan is proposed to be reviewed by the Joint Working Group.

Construction Traffic Management Plan
Contrary to the conclusions of the assessment Transport Planning consider that significant numbers of HGV movements are required particularly for revetment construction. It is these vehicles which have the largest impact on the condition of the local road network and the measure of any significance should be related to the increase in HGV movements. It is therefore considered that construction of the works will generate significant levels of HGV traffic. Contrary to the previous application (and even though there is a far greater area of construction proposed) no framework construction traffic management plan (CTMP) has been discussed with the Local Roads Authority. A condition on any consent is requested requiring a CTMP to be submitted and agreed in writing by both the Council and the Trunk Road Authority prior to any work commencing on the site. As noted in the report above it is likely that this will include a requirement for a formal S96 (Roads Scotland Act) Agreement on the B817 and B

A baseline condition survey of the HGV routes on local roads will be required to be undertaken and agreed with the Council prior to commencement on site as part of the CPTMP. Monthly monitoring of routes will also be required and a final condition survey required within a month of completion of the works all to be agreed in writing by the Council. Depending on the condition and nature of the routes and the volume of HGV traffic proposed together with the existence of other concurrent construction traffic from development a Wear and Tear agreement may be required (Section 96 of the Roads Scotland Act.)

The routeing of all HGVs for the construction phase is proposed to the site via the Dalmore junction onto the A9. Although this junction is to a higher standard than the alternative nearby Tomich junction the results of the Collision record are noted and this routing should be approved by Transport Scotland or their agents in addition to the Council.

The CTMP should include appropriate temporary signage to assist routeing of construction vehicles. This should be pole mounted due to the length of the construction period.

Parking, deliveries and material storage for the construction phase will be required to be provided fully within the Service Base near to the construction site area and shall not occur on the public road.

It is noted that the **temporary** access to the west of the main access points to the port is proposed to be used during the construction phase. This was the case for the previous expansion and is supported.

During the construction phase it is requested that the joint working group monitor and review the CTMP.

Conditions

1. That a formal joint working group (between Council as Roads Authority and the Trust Port) be set up to regularly monitor and manage parking, transport and road safety issues on the local road network arising from both the construction phase and from ongoing port operations including the Travel Plan and the Construction Traffic Management Plan.
2. For submission to and approval in writing by the Council of a Travel Plan prior to the development being brought into operation.
3. For submission to and approval in writing by the Council and the Trunk Road Authority of a Construction Traffic Management Plan prior to the commencement of construction of the development.

Appendix A; Summary of data from previous transport assessment – updated information similar to this is considered necessary to assess the impact of the current expansion of the port which is over twice that of the previous development phase.

Baseline Data

Limited data was collected on the existing network for the TA. Automated traffic counts (ATC) were done on the B817 east and west of the main port access points over the fortnight between Saturday 16th January and Friday 29th January 2016.

Turning counts were carried out at three locations on Tuesday 19th January 2016 between 07:30 and 09:30 and 16:30 and 18:30. These were at the B817 / High Street Junction, the main access to the port (the central access) and the port office / facilities access (the eastern access).

The automated traffic count data (ATC) shows that the lunchtime and evening peak hours have higher flows than the morning peak and that the evening peak between 16:30 to 17:30 is the period of highest traffic on the B817 with a two way traffic flow on 19th January of around 186 east of the port and 222 west of the port (taken from the ATC figures for that day). The ATC counts showed a weekday average traffic flow of 2261 vehicles west of the port and 2068 east of the port. The totals for the day the manual count was taken are 2218 and 2007 respectively. These are within a 10% tolerance and show no abnormal features over the day validating the turning counts.

The average speed for all vehicles on the B817 west of the port was measured at 33mph with an 85th percentile speed of 38mph.

The vehicle type data collected from the ATCs shows a high percentage of Light Goods Vehicles (LGV). West of the port for the weekday average the daily figures are; 929 cars, 1172 LGVs and 160 HGV / OGV and buses. East of the port for the weekday average the daily figures are 385 cars, 646 LGVs and 83 HGV / OGV and buses.

Transport Scotland provided data from the two permanent ATCs along the A9 in the vicinity of the Alness (Dalmore) and Tomich Junctions with annual average daily flows of around 11000 and 5500 respectively shown on figures 3-3 and 3-4..

Existing Port Traffic in 2016

The weekday average number of service base users surveyed between the 24th and 31st January by the port authority was 320. This generated 480 two way daily movements. Around 75% of facility users drive to the service base with 15% by sustainable travel modes. The total number of two way vehicle movements during the pm peak was 125.

In addition there were on average 46 deliveries (17 HGV movements and 20 LGV).

No data was collected on abnormal load movements. The Council's Abnormal Load officer confirms that there are around 212 notices to and from Invergordon per year the majority of which are to and from the port (particularly Ainscough on the service base). Some of these are multiple movements; the team estimate around 20 movements to / from the port per month ie. around 4 per week.

Buses to service cruise ships. The average number of buses on days that cruise ships used the port during the core months (May to September) was 30 within the port and 10 outwith. Translating this to vehicle movements this gives approximately 160 two way movements per day. These movements do not generally occur in the peak hours.

Operational Vehicle Trip Generation

The proposed customer for phase 4 is an offshore renewables operation who have indicated that they require 50 car parking spaces and 15 visitor spaces. This has been taken to generate 100 (staff) plus 46 visitor movements per day (two way).

Roughly checking this against the existing facilities; at present there is a laydown area of 50,000 sqm (section 4.1). The proposed additional laydown area is 45,000 sqm. The capacity of the port for laydown storage will almost double.

The increase in daily port user vehicle movements predicted is 146 and the existing number is 480 which represents a 30% increase. This seems proportionate since there are already service facilities on the port which it is assumed the new operations will utilise so an increase in size of storage will not relate directly to the volume of traffic.

However it has been assumed that there will be no increase in deliveries to the port due to the new operations by vehicle and this assumption does not seem justified. Although the proposed use is offshore renewables there will be a requirement for land based deliveries even if all the larger items are delivered by sea. In addition this area may not always be used for this purpose and allowing for servicing arrangements more in line with the remainder of the base seems reasonable. The increase in port users predicted is 30% of existing. As a very rough estimate applying this to the existing deliveries would give an additional 14 movements per day of which 5 would be HGVs.

The TA proposes that there will be no increase in the number of passengers using the port from the cruise ships on any single day rather there will be an increased number of days that ships will visit. However it is acknowledged that an increased number of larger ships will visit; this would increase the number of buses required to service the passengers on a daily basis. There has been recent rapid growth in the cruise ship market (using the existing facilties);

from 97,993 passengers and 64 ships stated in the annual review for 2016 to 150,588 and 90 ships in 2017 stated in the TA (fig 5-3 and 5-2). The average number of passengers per ship was therefore 1531 in 2016 and 1673 in 2017. This equates to an increase of around 140 passengers on each vessel. The TA has assumed 75% take bus tours giving around 105 additional bus passengers per ship over the year and an additional 2 buses and 8 vehicle movements over the last year. The assumptions relating to the number of bus trips generated by the larger docking facility are very low with only 1 additional bus and 2 additional movements predicted.

Operational Trip Distribution and Traffic Assignment
General port user traffic has been distributed onto the local network using the existing traffic movements from the base and assuming that all traffic exiting to the east will use the Tomich junction route onto the A9 and all traffic exiting to the west will use the Dalmore junction onto the A9. No detailed analysis was undertaken and it has been assumed that there will be no traffic increase on the High Street. Given the relatively low overall numbers this approach is acceptable but it is only an approximation.

As noted above it is considered that there will be an increase in goods vehicle movements due to the development and these should be assigned using the general port traffic distribution.

It has been assumed that no traffic will use the temporary access. Using table 10-1; 94/146 exit to the west (64.5%) and 52/146 (35.5%) to the east. If the estimated additional goods vehicles are allocated using this approach this equates to an additional 9 vehicles (3 HGVs) to the west and 5 vehicles (2 HGVs) to the east.

The coach traffic from the cruise ships has been distributed using anecdotal information and an arbitrary 75% allocated to Dalmore and 25% to the Kildary junction on the A9. Given the relatively low overall numbers of vehicles this represents this approach is acceptable but again this is only an approximation.

Although the additional number of bus movements generated by the development appears low all of these have been added as additional traffic; this is robust and acceptable.

The increase in vehicular traffic onto the local network is (table 10-1) plus the goods vehicles as estimated above;

1. B817 west of port (link 2); 182 + 9 = 191
2. B817east of port (link 5); 99 + 5 = 104
3. C1063 (to Tomich Junction, link 7); 51 + 5 = 56
4. B817 east of Saltburn (link 9); 48

Traffic Impact on the Local Network
Therefore, the weekday threshold increase in traffic against the measured average flows is

1. B817 west of port (link 2); 191 / 2261 = 8.5%
2. B817east of port (link 5); 104 / 2068 = 5.0%
3. C1063 (to Tomich Junction, link 7); 56 / no data
4. B817 east of Saltburn (link 9); 48 / 1973 (data from Highland Council ATC 2014) = 2.4%

The lack of data regarding the link to the Tomich junction is a concern as there are significant community concerns about safety at this junction onto the A9. However this is

a Trunk Road Junction and the proposed daily increase of 56 vehicles is modest. Since the Council are not the Roads Authority for this junction Transport Planning consider that Transport Scotland are best placed to advise on the acceptability of any impact.

The afternoon peak figures are given in table 11-2 of the TA although these do not include any goods vehicle movements. These indicate that the maximum threshold increase is 9.3% on the B817 west of the port. This is marginally below the threshold value of 10% agreed. It is also agreed that there is no evidence that the local network is near capacity and the conclusion that the increase in traffic indicated by the TA will not have a significant impact on the capacity of the road network is acceptable.

Access points onto the B817

For the operational phase all traffic has been routed via the main and port office access junctions. The increase in traffic at these two junctions is significant however they are of an appropriate standard to cater for this increase in vehicular traffic, no operational problems have been reported to the Council and therefore no mitigation is required. It is presumed that the temporary access will not be required for the permanent operation of the base. Only temporary permission has been granted for this access. Any permanent requirement for use of this access requires planning permission and is therefore not considered as part of this response.

Maritime & Coastguard Agency

From:	navigation safety
To:	MD Marine Licensing
Subject:	RE: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025
Date:	26 February 2025 12:11:24
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image008.png

---

Dear Liz,

Thank you for the opportunity to comment on the Marine Licence application for the Port of Cromarty Firth Construction & Capital Dredging and Sea Deposit at Invergordon . The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents received and would like to comment as follows:

We note that the works fall within the jurisdiction of a Statutory Harbour Authority (SHA) Cromarty Firth Port Authority and therefore they are responsible for the safety of navigation within their waters.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the following risk mitigation measures take place:

Conditions:
None

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

Advisories:

1. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.
2. 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.
3. Consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations, and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths, and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice, which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code. This can be found here: https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations
4. The site is within port limits and the Harbour Authority may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary. Any change data including engineering drawings, hydrographic

surveys, details of new or changed aids to navigation must then be passed onto The Source Data Receipt team, UK Hydrographic Office, (email: sdr@ukho.gov.uk) as per guidance in 'Harbour Master's Guide to Hydrographic and Maritime Information Exchange' published on the UK Hydrographic Office (ADMIRALTY) website.

The MCA has considered the relevant Marine Plan as part of its assessment of this application.
If you have any questions on this response, please let us know.

Kind Regards

Sam Chudley

Marine Licence Advisor
Marine Licensing and Consenting
UK Technical Services Navigation

[Redacted]

Sam.Chudley@mcga.gov.uk

Maritime & Coastguard Agency

Maritime & Coastguard Agency
Bay 2/25, Spring Place
105 Commercial Road,
Southampton SO15 1EG

Safer Lives, Safer Ships, Cleaner Seas
www.gov.uk/mca

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: 17 February 2025 10:03
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025

Dear Sir/Madam,

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

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Invergordon Service Base Phase 5 Development at Invergordon.
An Environmental Impact Assessment (“EIA”) report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland)

Regulations 2017 along with supporting documentation.

The licence applications, EIA report and supporting documentation can be accessed via the following link: Invergordon Service Base Phase 5 Development | marine.gov.scot

Please forward your comments on these proposals via electronic communication to MD.MarineLicensing@gov.scot or as a hard copy to the address detailed below by 19 March 2025 (30 days from date of consultation email).

Kind Regards,

Liz

Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
[Redacted] [Re
Email: Elizabeth.Skelton@gov.scot

General Queries: +44 (0)300 244 5046
Email: MD.MarineLicensing@gov.scot
Website: Marine Environment

Scottish Government
Riaghaltas na h-Alba

In the service of Scotland — Integrity — Inclusivity — Innovation — Collaboration — Kindness

To see how we use your personal data, please view our privacy notice

For more information please visit http://www.globalservices.bt.com
==========

Northern Lighthouse Board

Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: 00011084 & 00011085
Our Ref: GB/ML/C8_01_114

Elizabeth Skelton
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

18 March 2025

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development

Thank you for your e-mail correspondence dated 17th February 2025 regarding the application submitted by **Port of Cromarty Firth (per Affric Limited)** for Phase 5 construction and capital dredge at Invergordon Service Base, Invergordon.

Northern Lighthouse Board have no objection to the proposed construction or capital dredge and advise the following;

Capital Dredge (00011084):

- **Port of Cromarty Firth** issue Marine Safety Information as considered appropriate prior to the commencement of each dredge campaign.
- On completion of the dredge works, the final survey data should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts can be updated with the revised water depths.

Construction Works (00011085):

- **Port of Cromarty Firth** issue Notices to Mariners as needed throughout the project informing of the scope and timeframe of the works.
- The applicant engage with NLB regarding any temporary and/ or permanent Aids to Navigation required during the construction and on completion of the project, including any move of the existing Aids to Navigation.

- The Statutory Sanction of the Northern Lighthouse Board must be sought prior to the installation, alteration or discontinuation of any Aid to Navigation, please contact navigation@nlb.org.uk to request an application form.
- On completion a copy of the 'as built' plans should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts and publications can be updated.

Yours sincerely

[Redacted]

Peter Douglas
Navigation Manager

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email: MD.MarineLicensing@gov.scot

Marine Directorate
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: 300028692
Your ref: 00011084 & 00011085
01 April 2025

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Marine Licences and EIA Report

Thank you for consulting us on this Environmental Impact Assessment (EIA) Report and planning application. We received the consultation on 17 February 2025.

We have reviewed the report and considered the proposed development 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.

Please note that from 1 January 2025, we no longer provide advice on undesignated underwater cultural heritage. For EIA projects, the relevant competent authority must ensure that they have access to sufficient expertise to examine the EIA Report in accordance with the relevant regulations.

The Local Authority's archaeological and cultural heritage advisors will also be able to offer advice on impacts on the historic environment. This may include topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Our advice

We do not object to this application. Our detailed comments on the application and the Environmental Impact Assessment Report (EIAR) are provided in the annex attached to this letter.

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 interest 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

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series.

We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, hmconsultations@hes.scot. If you have questions about this response, please contact Deirdre Cameron at Deirdre.Cameron@hes.scot

Yours sincerely

Historic Environment Scotland

ANNEX: Our Detailed Comments

Background

We understand the proposed development would comprise an expansion of existing port facilities at Port of Cromarty including the creation of a 450m berth extension and lay down area on Quay West, creation of a new berth and roll-on-roll-off facility at Queens Dock West and associated works including dredging, land reclamation, rock armour works, access alterations, creation of a heavy load pad and the installation of quayside furniture and services. The site is part of the Inverness and Cromarty Firth Green Freeport Area.

We were consulted at scoping and issued our response on 12 February 2024 noting concerns about the inadequate consideration of cultural heritage assets in the scoping report and the proposals for its assessment within the Environmental Impact Assessment Report as follows -

The Report identified potential setting impacts on two designated assets - Clach a' Mheirlich symbol stone (SM1675) and Old Roskeen Parish Church and burial ground (LB15040) - and proposed these should be considered in the Landscape and Visual Assessment element of the EIA. We noted this was not appropriate.

We noted that having undertaken our own assessment of potential impacts, we considered Old Roskeen Parish Church and burial ground would not experience significant impacts or effects from the proposed development and could be scoped out of further assessment.

We highlighted a further site - Newhall Point, chapel and burial ground, Balblair (SM5950) - for assessment. We also noted that while Newhall Point chapel and Clach a' Mheirlich symbol stone were at obvious risk of impacts on their settings, this selection was not exhaustive and the EIAR should also consider the large number of other designated assets in the vicinity

The Report did not demonstrate a comprehensive knowledge and understanding of background sources such as legislation, guidance and datasets relevant to cultural heritage.

The Report appeared to rely on background information from earlier phases of development for its conclusions about the cultural heritage impacts. Given the nature and scale of the proposed development we did not consider that information and assessments from earlier developments could be applied to the current proposals without detailed consideration. Such consideration was not demonstrated in the scoping report.

We recommended that impacts on designated cultural heritage assets should be scoped in to further assessment and should be considered in a specific Cultural Heritage chapter rather than integrated in to the LVIA study. We also recommended that the assessment

should be based on the use of a ZTV to identify those sites with potential intervisibility with the development to inform the consideration of setting impacts.

Environmental Impact Assessment Report (EIAR)

Cultural Heritage interests are considered in Chapter 8 of the EIAR, which is supported by a gazetteer of Heritage Assets and Events (Volume 3: Appendix H1) and cultural heritage illustrations (Volume 4: illustrations 71_DRG_8_1 to 71_DRG_8_14).

We are generally content with the methodology for assessing the significance of the impact and effect of the development on cultural heritage assets laid out in section 8.4.4 although it appears overly complex. The use of Importance and/or Relative Sensitivity in Table 8.4.5 to assess significance of effect is not explained clearly.

We have concerns relating to the use of study areas to identify assets for detailed assessment. In our scoping response, we recommended using ZTV mapping to identify cultural heritage assets for initial assessment. Instead, section 8.4.1 of the EIAR uses four tiers of study area – the development area itself and 1km, 2km and 5km zones beyond it – and then applies the ZTV up to the outer edge of the 2km zone to identify assets for assessment of setting impacts. No clear justification is provided for the use of these study areas; the description provided 8.4.1 describes what the study areas are intended to do, but not why these specific limits have been chosen. Given the recommendations in our scoping response, we would have expected the EIAR to use a ZTV-based approach, or to provide a specific justification for the application of distance-based study areas in the EIAR.

As noted above, section 8.4.1 lays out the study areas and their proposed functions with a zone extending up to 2km beyond the red line boundary for the development assigned for the assessment of setting impacts on nationally important cultural heritage assets. Later in the EIAR, section 8.5.7 states that “the impact assessment on setting was informed by a setting assessment survey of all designated assets within the 5km study area”. It is therefore unclear what study area has been applied to assets within our interest.

In contrast, the LVIA chapter uses a 15km study area, explaining that this is the distance at which substantial effects are judged to be unlikely or negligible. Whilst we generally caution against applying specific distances to study areas, we consider this to be a more appropriate approach for our interests, particularly where this is informed by a ZTV model. The LVIA assessment includes effects on Gardens and Designed Landscapes which we would have expected to see assessed in the Cultural Heritage chapter. Applying a 15km study area to the ZTV identifies over 60 cultural heritage assets with potential to experience impacts on their settings. We would have expected the impacts and effects on these assets to be considered in the EIAR.

We also note that the detailed setting impact assessments for both Clach a’ Mheirlich symbol stone (8.7.2.1.1) and Newhall Point chapel (8.7.2.1.2) consider that screening

from existing trees would be a mitigating factor for the impact of the operational phase of the development on these monuments. Trees are subject to environmental and other factors (wind throw, deliberate felling, disease etc) which mean they cannot be considered to provide reliable mitigation for impacts resulting from development. This principle features in guidance documents relevant to environmental impact assessment e.g. HES's Setting guidance and NatureScot's Visual Representation of Wind Farms guidance. As a result, the EIAR may underestimate the impact of the development on the setting of these monuments.

Our interest

As a result of the issues noted above, we have assessed the impacts of the proposed development on assets within our remit, using the information within the EIAR and other information available to us. We consider we have sufficient information from all sources to reach a view on the impact of the proposed development for assets within our remit.

The settings of several scheduled monuments would be affected by the proposed development to a degree, but we consider two scheduled monuments would be most affected and we are focussing our comments on these.

Clach a' Mheirlich symbol stone (SM1675)
Clach a' Mheirlich is a standing stone bearing Pictish symbols, standing approximately 60m north of the shore of the Cromarty Firth. Clach a' Mheirlich is a sandstone pillar approximately 2m high by 0.5m square, with Pictish symbols incised on the southeast and southwest sides. Clach a'Mheirlich may be a prehistoric standing stone upon which Pictish symbols were later incised. It stands within a cultivated field and until the symbols were noticed by Dr Sutherland of Invergordon at some date before 1890 it was locally considered to be of prehistoric date. It is likely that the stone stands in its original position, a possibility supported by the very weathered state of the symbols.

Clach a' Mheirlich sits in arable ground on the edge of the Cromarty Firth, with the Firth forming the primary landscape feature visible from the monument. There are no other Pictish or early Medieval standing stones obviously visible from the monument, but if the stone is a modified prehistoric standing stone it may form part of a prehistoric ceremonial landscape focussed on the Cromarty Firth. Other prehistoric ceremonial monuments along the Firth include Carn Liath, Cairn, Obsdale (SM2970) or across the Firth at Cnoc Nan Taibhsean, Cairn (SM2969). However, the setting of the monument, as an early Medieval symbol stone and possible prehistoric standing stone, is focussed on the immediacy of the Cromarty Firth, rather than on specific views to specific contemporary or associated monuments.

The proposed development is located c.1km to the east of the monument and would be visible but would not interrupt views from the monument to the Firth. The proposed development and operational activity, including within the Cromarty Firth, would be an extension of the established activity in the port complex, which includes the temporary presence of large rigs. The proposed development would have an impact upon the

setting of the monument in the form of additional and different modern industrial and marine infrastructure. However, it would not cause a significant adverse impact on the setting of the scheduled monument.

Newhall Point, chapel and burial ground, Balblair (SM5950)
This monument the remains of an early medieval chapel and burial ground on the Black Isle. The burial ground is situated 600m northeast of the village of Balblair at Newhall Point, overlooking the Cromarty Firth. A cross-slab base was found within the cemetery and although the chapel itself has not been definitely located, a possible location has been identified. Over 20 graves were excavated during an archaeological investigation in 1985 and a circular enclosing ditch cut into the sub-sand was discovered, suggesting that the burial ground had been more extensive than initially estimated.

Newhall Point, chapel and burial ground sits on a low knoll which forms a headland projecting into the Cromarty Firth on the south shore, overlooking the Firth and Udale Bay, which is the primary landscape feature visible from the monument. The monument has good general views out over the Firth both to the west, north, and east towards the sea, which were likely to be an important reason for its situation and function in this location. The burial ground and the chapel, when standing, would likely have been highly visible when approached from the sea, and in particular when coming up the Firth from the east.

The proposed development is located c.1km to the north of the monument. It would be visible from the monument but would not interrupt views from the monument to the Firth, or along the Firth to the west and east. Views to the monument would not be backdropped or interrupted on approach to the monument by water from the east. The proposed development and operational activity, including within the Cromarty Firth, would be an extension of the established activity in the port complex which includes the temporary presence of large rigs. The proposed development would have an impact upon the setting of the monument in the form of additional and different modern industrial and marine infrastructure. However, it would not cause a significant adverse impact on the setting of the scheduled monument.

Our position

We do not object to this application. Although we consider there are issues with aspects of the assessment of cultural heritage impacts in the EIAR, in this case we have been able to use additional information sources and our own knowledge of the area and assets involved to assess the potential effects of the proposals.

The area is already a busy industrial port complex that forms part of the baseline setting of scheduled monuments in the vicinity. The proposed development includes expansion of facilities within the port area, quay extensions, and capital dredging and land reclamation in the Cromarty Firth. The works would enable the temporary assembly of marine infrastructure (including offshore wind turbines) in the Cromarty Firth.

Large oil rigs are already assembled and disassembled within the Cromarty Firth. The continued assembly of marine infrastructure in the Cromarty Firth, including of offshore wind turbines of significant height, would fit the established pattern of this form of activity within the Firth.

The proposed development would appear in views along the Cromarty Firth and from the hills to either side as an extension of the already established industrial port complex at Invergordon. Land reclamation would slightly alter the form of the Firth coastline but would be in small areas only, and adjacent to areas already altered by previous land reclamation.

The proposals would involve the temporary and varying presence of tall turbines that would be visible in views from and towards several scheduled monuments. However, the location of the application site with regards to those monuments, and the baseline of existing industrial development, means that we do not anticipate significant adverse impacts on their settings.

The area of the proposed development would be visible from both Clach a' Mheirlich symbol stone (SM1675) and Newhall Point, chapel and burial ground, Balblair (SM5950), and these monuments would probably be the most affected by the proposals. However, the proposed development would not disrupt key views from these monuments to the Firth to a significant degree. Therefore, we do not anticipate the proposed development will result in significant adverse impacts on the settings of scheduled monuments.

Historic Environment Scotland
01 April 2025

Defence Infrastructure Organisation

From:	DIO-Safeguarding-Offshore (MULTIUSER)
To:	MD Marine Licensing
Subject:	20250220-00011084_&_00011085-Invergordon_Service_Base_Phase_5_Development_-_MOD_Response_-_DIO10043356
Date:	20 February 2025 12:30:49
Attachments:	image001.png

Good afternoon Elizabeth

Thank you for your email below regarding Marine Licence applications 00011084 and 00011085 for the Invergordon Service Base Phase 5 Development from the Port of Cromarty Firth (per Affric Limited). From the information provided, I can confirm that the MOD has no objections regarding this activity.

Kind regards

Anne McGarva
Anne McGarva| Assistant Safeguarding Officer
Defence Infrastructure Organisation
Estates | Safeguarding
DIO Head Office | St George's House | DMS Whittington | Lichfield |Staffordshire |WS14 9PY
Skype: +44 (0)3001623630 | Mobile: [Redacted]
[Redacted] | email: [Redacted]
Please consider the environment before printing this e-mail

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: Monday, February 17, 2025 10:03 AM
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025

Dear Sir/Madam,

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

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Invergordon Service Base Phase 5 Development at Invergordon.
An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 along with supporting documentation.

The licence applications, EIA report and supporting documentation can be

accessed via the following link: Invergordon Service Base Phase 5 Development | marine.gov.scot

Please forward your comments on these proposals via electronic communication to MD.MarineLicensing@gov.scot or as a hard copy to the address detailed below by 19 March 2025 (30 days from date of consultation email).

Kind Regards,

Liz

Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
[Redacted] [Re
Email: Elizabeth.Skelton@gov.scot

General Queries: +44 (0)300 244 5046
Email: MD.MarineLicensing@gov.scot
Website: Marine Environment

To see how we use your personal data, please view our privacy notice

Fisheries Management Scotland

T: +44 (0)131 221 6567

E: alan@fms.scot

Marine Directorate Licensing Operations Team
By e-mail

18 March 2025

Dear Sir/ Madam,

Marine (Sotland) Act 2010, Part 4 Marine Licensing
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.

I am writing in response to the above developments. I note also that the Cromarty Firth Fishery Board, which is a member of Fisheries Management Scotland, has also responded. We fully support their response.

Fisheries Management Scotland is the representative body for Scotland's District Salmon Fishery Boards, the River Tweed Commission and charitable Rivers and Fisheries Trusts. Our members work to conserve Scotland’s valuable and iconic wild salmon and freshwater fish and fisheries and the aquatic environment on which they depend.

We consider that the scale of the proposed development presents significant risks to local salmon and sea trout populations, through disruption of the seaward migration of post-smolts and the return migration of adult salmon. As the Cromarty Firth Fishery Board has explained, there is good quality information on migration timings, and we fully support their request to intiate a dialogue to identify periods in which potentially damaging activities should not occur. We believe that these should form a condition of any marine licence associated with the proposed development.

Both Atlantic salmon and sea trout are Prioirty Marine Features and in 2023 GB Atlantic salmon poulations were reclassified by the IUCN as endangered. It is therefore vital that suitable management and mitigation measures are put in place to avoid negative impacts arising from the proposed development. In the case of sea trout, this should include identification and protection of marine habitats, such as sea grass beds. As sea trout are

resident in coastal waters throughout the year, particular attention should be given to noise and vibration arising from piling operations.

We strongly advise that further advice and discussion is sought from the Cromarty Firth Fishery Board and we would be happy to support any such discussions.

Yours faithfully,

[Redacted]

Dr Alan Wells
CEO | Fisheries Management
Scotland

Royal Yachting Association Scotland

From:	Pauline McGrow
To:	MD Marine Licensing
Subject:	RE: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025
Date:	17 March 2025 09:22:50
Attachments:	image002.png image003.png

Hi Liz,
I write to inform you that RYA Scotland has no objections to this application.
Kind Regards
Pauline

Pauline McGrow
Senior Administrator
Royal Yachting Association Scotland
T: [Redacted]
E: pauline.mcgrow@ryascotland.org.uk

From: MD.MarineLicensing@gov.scot
Sent: 17 February 2025 10:03
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025

Dear Sir/Madam,

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

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Invergordon Service Base Phase 5 Development at Invergordon.
An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 along with supporting documentation.
The licence applications, EIA report and supporting documentation can be accessed via the following link: Invergordon Service Base Phase 5 Development | marine.gov.scot
Please forward your comments on these proposals via electronic communication to MD.MarineLicensing@gov.scot or as a hard copy to the address detailed below by 19 March 2025 (30 days from date of consultation email).
Kind Regards,
Liz

Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted] Email: Elizabeth.Skelton@gov.scot
General Queries: +44 (0)300 244 5046
Email: MD.MarineLicensing@gov.scot
Website: Marine Environment

To see how we use your personal data, please view our privacy notice

Royal Society for the Protection of Birds Scotland

Elizabeth Skelton
Marine Licensing Casework Officer
Licensing Operations Team, Marine Directorate

Email: MD.MarineLicensing@gov.scot
Date: 2nd April 2025

Dear Elizabeth,

Marine (Scotland) Act 2010, Part 4 Marine Licensing
Port of Cromarty Firth (per Affric Limited) - Construction (00011084) & Capital Dredging and Sea Deposit (00011085) - Invergordon Service Base Phase 5 Development

Thank you for consulting RSPB Scotland on the above marine licence applications for the construction of the Invergordon Service Base Phase 5 Development and associated dredging and allowing an extension of time for comment.

RSPB Scotland has serious concerns regarding both applications for the Construction of the Invergordon Service Base Phase 5 Development and the Capital Dredging and Sea Deposit. To allow a full assessment of the proposal, further detail is required on likely significant environmental impacts and further commitments around mitigation and the Tern Management Plan are required to ensure sufficient certainly on implementation of proposals.

We are in a twinned climate and nature emergency; and in Scotland one in nine species are at risk of national extinction[1]. We understand the need for the project in supporting the offshore renewables industry, but delivery of Green Freeport infrastructure should not be at the cost of the most important sites and species but instead provide biodiversity enhancement. To ensure this happens, some further consideration of impacts if needed.

Ref: 00011084 - Construction of the Invergordon Service Base Phase 5 Development

[1] https://stateofnature.org.uk/countries/scotland/

RSPB North Scotland
Inverness Office
Etive House, Beechwood Park
Inverness
IV2 3BW

Tel: 01463 715000
Facebook: @RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk/Scotland

The Port supports the largest tern colony in the Cromarty Firth comprising Common Terns (qualifying species of the Cromarty Firth SPA) and Arctic Terns. In summary, we are concerned that the proposed mitigation for Common and Arctic Terns (provision of a second raft and onshore tern nesting zone at the Port) appears conditional on the Queens Dock West Berth part of the proposed development being built. We recommend that this commitment is included within the overall Tern Management Plan (TMP) for the Port and delivered before construction of the proposed development commences, to ensure its effectiveness, as far as possible.

We note that section 6.1.1 of the TMP entitled *Highly Pathogenic Avian Influenza (HPAI)* states that "By improving the tern habitat provided by PoCF it is hoped that tern will favour these areas and subsequently avoid utilising operational locations" and Appendix 3 (Tern Management Considerations) states that tern nesting boxes and decoys will be used in areas where they will not conflict with ongoing operation. However, there does not appear to be any clear commitments to providing suitable, disturbance-free breeding areas at the Port outlined elsewhere in the TMP.

The proposal does, however, aim to provide suitable breeding habitat outwith the Port in the wider Cromarty Firth. Although this is welcomed in principle, we are concerned that this will be difficult to achieve due other disturbance pressures (recreational, industrial etc.) in the Cromarty Firth and due to the terns' affiliation to the Port. Therefore, further detail is required as to how this would be delivered. In order to ensure no impact on site integrity of the Cromarty Firth SPA population of Common Terns from disturbance via the dissuasion techniques proposed in the TMP, we strongly recommend any off-site actions should be delivered before construction of the proposed development commences and it should be proven to be effective before a programme of further dissuasion techniques are undertaken at the Port.

We are also concerned about disturbance and displacement impacts on qualifying non-breeding qualifying wader species of the SPA; as well as nesting habitat modification and disturbance and displacement of the largest-known concentration of nesting Eiders in the Moray Firth, likely linked to the Moray Firth SPA qualifying overwintering Eider population.

We strongly suggest the following defined and/or enforceable commitments are made prior to consent or via conditions of any grant of the marine licence:

- **The provision of a second breeding raft and creation of tern nesting zone at the Port (and their retention and maintenance) is made a condition of granting the marine licence for the entire proposed development and explicitly included within the Tern Management Plan. They should be**

secured and delivered, should any of the proposed development proceed, even if the Queens Dock West Berth is not constructed. They should also be delivered before any construction commences.

- **Prior to determination, further information should be provided on the location of the proposed second raft and tern nesting zone.**

- **The on-site tern nesting zone is maintained in perpetuity, with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk.**

- **Off-site actions to provide suitable breeding habitat for terns in the wider Cromarty Firth area should be delivered prior to construction commencing and must be proven to be effective before a programme of further dissuasion techniques are undertaken at the Port.**

- **The Tern Management Plan should include sufficient detail, agreed with NatureScot and RSPB Scotland before consent.**

- **If consent was given, a condition is attached requiring that testing of turbines should be reviewed annually during the tern breeding season, depending on the location of colony and flight lines in that year, with scope to pause testing if required to reduce collision risk.**

- **A draft Ornithological Species Protection Plan (SPP) (Table 18.3.1: Summary of Construction Mitigation) is provided prior to any consent and includes detail on breeding and non-breeding bird mitigation plans, which can be secured by consent, to:**

- **Ensure any rock armour removal is carried out outwith the breeding bird season (March to August inclusive).**
- **Ensure further information is provided by the applicant to outline how suitable working buffers will be implemented around nest sites.**
- **Ensure further detail is provided on how mitigation measures will reduce disturbance to non-breeding birds, for example, by avoiding the most disturbing activities such as piling on the north side of the proposal during high tides between September to March.**
- **Ensure any lighting is directed downwards to the work site only and not directed towards the sea or mud flats to avoid disturbance to roosting birds.**

- **To increase suitability for breeding Eider, the following actions should be considered when replacing or constructing new areas of rock armour:**

- **Creating a broader top with smaller boulders.**
- **Offset any fencing from the rock armour edge.**

- **We would also strongly recommend that consideration be given to contributing to funding and setting up a warden and community engagement scheme similar to Bird Aware Solent[2], in collaboration with other Green Freeport stakeholders and developers. This would help tackle the wider recreational disturbance issues around the Cromarty Firth both to breeding and non-breeding SPA birds.**

Lastly, we support NatureScot's proposed Turbine Towing Protocol mitigation outlined in Annex B of their letter dated 26th March 2025, and suggest this be made a condition of any grant of the marine licence.

Ref: 00011085 - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development

We are concerned that some core samples taken from the area proposed to be dredged show toxic levels above Action Level (AL) 1 for Nickel and Perylene, both of which can bioaccumulate in the food chain, potentially impacting on designated features of the Cromarty Firth SPA. Given that tidal currents and variable flow rates produce variability in sediment accumulation, levels above the recognised AL1 threshold should trigger further investigation and remedial action rather than an inappropriate averaging approach being applied. Expertise should be sought. We strongly recommend that localised toxic sediment load is removed and treated separately to avoid bioaccumulation in the food chain and wider dispersal in the Moray Firth.

We support NatureScot's mitigation condition to carry out bathymetry surveys and sediment dispersion modelling at the Sutors ahead of Year 2 disposal. However, we have concerns that the significant increase in volume of silt-laden spoil being disposed at this location will take some time to settle and/or disperse and will impact on water clarity and the pelagic species such as sprat and sand eels which Common Terns rely on for food. This should be addressed in additional studies being undertaken.

In summary, we strongly recommend that:

- **Prior to determination, further investigation should be undertaken into the capacity of the trench, the onward path of redistributed sediment deposited in the trench and the impact trench filling will have on**

[2] https://birdaware.org/solent/

suspended sediment loads. In addition, modelling of deposition at different states of the tide should be considered to minimise impacts.

- **We strongly recommend that given the high volume of spoil being deposited, disposal should be timed to avoid the seabird breeding season i.e. extended from May (to allow for the migration of Atlantic Salmon) to include the months of June and July.**

- **We strongly recommend that sediments showing peaks in hydrocarbons and trace metals should be dealt with in a more cautious and environmentally sensitive manner rather than being treated as anomalous.**

Lastly, we strongly recommend actions for Biodiversity Enhancement are considered as part of this application and the wider Green Freeport project.

We would like to work with the Port of Cromarty Firth and the Green Freeport to establish high environmental standards that other sites could aspire to.

Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely,

[Redacted]

Bea Ayling
Conservation Officer
bea.ayling@rspb.org.uk

Annex 1: RSPB Scotland Concerns - 00011084: Construction of the Invergordon Service Base Phase 5 Development

Impacts on Common and Arctic Terns

Terns at the Port of Cromarty Firth, Invergordon

The Port of Cromarty Firth at Invergordon has supported large numbers of both breeding Common and Arctic Terns over the years, the largest colonies within the Cromarty Firth.

In our scoping consultation response letter dated 30th January 2024, we raised concerns regarding the construction and operational disturbance that this development may cause, especially for breeding terns. Arctic and Common Terns are both listed under Annex 1 of the Birds Directive and are on the amber list of Birds of Conservation Concern[3]. The Common Terns breeding at the port are also a qualifying interest of the Cromarty Firth SPA, contributing to at least 2.4% of the British population.

Historically, terns nested on the RLNI pier, but then they moved to the Queen's Dock and other areas at the Port, including the Phase 3 and 4 reclamation areas, when the pier became unsuitable. There have been ongoing issues with operational disturbance to the birds, and in response to this, a raft was installed in 2022 to provide a safe breeding location for Common Terns away from working dock areas. This was hugely welcomed by RSPB Scotland. However, a good number of Common Tern still use the working dock areas to breed, in addition to Arctic Terns (see Tables 2.1 and 2.2 of Appendix M.5 Tern Management Plan).

Operational disturbance issues therefore continue, and we understand that works to make areas of the Port unsuitable for nesting and deterrent measures have been undertaken over the years to enable day to day functioning of the Port during the breeding season (see section 6.1.3, Appendix M.5 Tern Management Plan). The colony here has also suffered from a bird flu outbreak in 2023 and mink predation in 2024 resulting in poor productivity. These actions and issues have resulted in the terns moving to different areas around the port and sometimes using multiple areas to breed in a year, which are not reflected by the Breeding Bird Surveys undertaken in 2022 and 2023 (Appendix M.1: Breeding Bird Survey Reports) as an unsuitable survey method was used (the Brown and Shepherd method is used for upland breeding waders in open landscapes[4]) and surveys were only undertaken in June and July 2022 and 2023 which

[3] https://www.bto.org/sites/default/files/publications/bocc-5-a5-4pp-single-pages.pdf

[4] Brown, A. F. and Shepherd, K. B. (1993) *A method for censusing upland breeding waders.* Bird Study, 40, pp. 189-195.

would miss any early breeding attempts. We therefore welcome that annual data collected by RSPB Scotland volunteers was used to inform the assessment.

With this context, we are concerned about the additional disturbance, displacement and loss of breeding areas for terns resulting from the proposed development. We do not agree with the conclusion in Appendix L.2: Habitat Regulations Appraisal Supporting Document that since proposed mitigation has reduced the impacts to "non-significant" and therefore "no adverse effects would be anticipated to the conservation objectives for the qualifying interests" of the Cromarty Firth SPA, specifically Common Tern.

Nesting habitat modification

We agree with the EIAR conclusion that there would be a major, significant effect on breeding terns and the Cromarty Firth SPA due to nesting habitat modification, and it is essential that the mitigation proposed is delivered. This proposed mitigation includes provision of a second breeding raft within the Cromarty Firth and creation of tern nesting zone within an area of the Port (see Table 18.3.1: Summary of Construction Mitigation). Further detail is required as to where the raft and onshore tern nesting zone would be located in order to assess the effectiveness of the mitigation. RSPB Scotland would be happy to advise on this.

However, this mitigation appears to be only proposed in the instance that the Queens Dock West Berth is constructed, as nesting habitat would be directly affected by the removal of the rock armour. **RSPB Scotland strongly recommends that the measures are included in the Tern Management Plan and are secured and delivered, should any of the proposed development proceed, even if the Queens Dock West Berth is not constructed.** This is because, even if this regular breeding area is not directly impacted, the cumulative disturbance and displacement effects of the construction and operation of the Phase 5 area alongside the usual day-to-day operation of other port areas, and any actions to dissuade terns from nesting in other working areas as outlined in the Tern Management Plan, will exacerbate these impacts on the terns on this extremely complex site.

Lastly, we note that section 13.8.1.4 of the EIAR states that "The tern nesting zone will be excluded from operational areas with the use of fencing and appropriate signage" which is welcomed. We would strongly recommend any fencing is predator-proof, and that a suitable nesting substrate is used alongside the chick shelters and decoys as outlined in Appendix 3 of the TMP.

However, we also note that this nesting zone "will be a temporary feature that is installed for the duration of the breeding season (generally March to August inclusive), unless it can be determined with confidence that the tern nesting period has ceased or

that the tern colony have chosen a different nesting location" (section 13.8.1.4 of the EIAR) and that location and requirements will be re-evaluated annually. Although we appreciate the need for review, maintaining an area in perpetuity would allow terns to get accustomed to the area, resulting in a higher likelihood of use. A precautionary approach needs to be taken, reflecting the wording of the Habitat Regulations.

We therefore recommend that:

- **The provision of a second breeding raft and creation of tern nesting zone at the Port (and their retention and maintenance) is made a condition of granting the marine licence for the entire proposed development and explicitly included within the Tern Management Plan. They should be secured and delivered, should any of the proposed development proceed, even if the Queens Dock West Berth is not constructed. They should also be delivered before any construction commences.**
- **Prior to determination, further information should be provided on the location of the proposed second raft and tern nesting zone.**
- **The on-site tern nesting zone is maintained in perpetuity, with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk.**
- **Off-site actions to provide suitable breeding habitat for terns in the wider Cromarty Firth area (as outlined in the TMP) should be delivered prior to construction commencing and must be proven to be effective before a programme of further dissuasion techniques are undertaken at the Port.**

Disturbance and displacement

We welcome that during construction, any suitable nesting habitat, including rock armour on the western edge of the Queens Dock, will be removed outwith the breeding bird season (March to August inclusive), or once a suitably qualifying ornithologist has confirmed that there are unlikely to be any active nests. **This should be made a condition of any consent and included in the Ornithological Species Protection Plan (SPP).**

In terms of disturbance during the breeding season, the EIAR argues that breeding terns are habituated to disturbance at the port and are not site faithful. We disagree due to the fact that the birds habitually use the port to breed each year and have to move around within the port due to disturbance and changing suitability of breeding areas; and as of 2024, mink predation.

Birds will respond to the presence of people at a range of distances, and this will depend on the species, conditions, activity etc. Birds may change behaviour (e.g. stop feeding) and become alert prior to leaving an area (e.g. taking flight). A useful

reference for such distances is the NatureScot report by Goodship and Furness (2022)[5], who summarise data on response distances (i.e. when a bird becomes alert or flies when approached) for a range of Scottish bird species. Goodship and Furness also make recommendations for buffer distances, i.e. the distance at which activities should be separated or kept away from birds in order to provide protection. Recommended buffer distances from Goodship and Furness for Common Tern is 200-400m and Arctic Tern, ≥200m. This reflects their potential sensitivity to disturbance.

In addition, there is relatively little evidence of habituation in the scientific literature and relatively few studies follow the same individuals over time and clearly demonstrate a change in behaviour. The cited studies in the EIAR (Azaki & Cresswell, 2021; Erwin, 1989; Jennings, 2012) appear to only test flight responses to human presence. Critically, when birds appear tame or do not change their behaviour in the presence of humans, it does not necessarily mean they are habituated. There are a range of explanations and factors to consider:

- Birds may not appear to respond but may still be suffering from stress including increased heart rate which can last for some period after the event and have population-level impacts[6,7,8].
- Birds may be at reduced density, many already avoiding an area where disturbance is taking place[9].
- Any birds that remain may be more tolerant of disturbance simply because they are more desperate, hungry or sick and therefore appearing tame because they have little choice.
- It may be also that at specific locations, birds have to be more tolerant because the habitat has been modified or changed to such a degree that there is little choice, and therefore they are by necessity more tolerant of disturbance. This is because the costs of relocating are much higher. This does not mean that the birds are habituated, it is simply that the relative trade-off is different, and stress or physiological impacts may be exacerbated as a result.

---

[5] Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

[6] Weimerskirch, H., Shaffer, S.A., Mabille, G., Martin, J., Boutard, O. and Rouanet, J-L. (2002) Heart rate and energy expenditure of incubating wandering albatrosses: basal levels, natural variation, and the effects of human disturbance. Journal of Experimental Biology, 205(Pt 4), pp. 475–83

[7] Ellenberg, U., Mattern, T. and Seddon, P.J. (2013) Heart rate responses provide an objective evaluation of human disturbance stimuli in breeding birds. Conservation Physiology, 1(1), pp. cot013–cot013. Available at: https://doi.org/10.1093/conphys/cot013

[8] Pérez-Ortega, B. and Hendry, A.P. (2023) A meta-analysis of human disturbance effects on glucocorticoid hormones in free-ranging wild vertebrates. Biological Reviews, 98(5), pp. 1459–1471. Available at: https://onlinelibrary.wiley.com/doi/full/10.1111/brv.12962

[9] Liley, D. and Sutherland, W.J. (2007) Predicting the population consequences of human disturbance for Ringed Plovers Charadrius hiaticula: a game theory approach. Ibis, 149(s1), pp. 82–94. Available at: https://doi.org/doi:10.1111/j.1474-919X.2007.00664.x

The EIAR states that "sources of disturbance replicative of ongoing operations are not anticipated to result in any significant shift in baseline which would alter the behaviour or spatial distribution of tern" and concludes a minor, non-significant effect on terns and the Cromarty Firth SPA and Inner Moray Firth SPA from disturbance.

Increased sources of disturbance over a larger area due to the construction and operation of the proposed development, combined with continued operational disturbance at the port, loss of breeding sites at the port during the two-year construction phase (Figure 2.7.1) if the Queen's Dock West Berth goes ahead, and if other areas of the port are made unsuitable in line with the Tern Management Plan, we disagree with this conclusion, unless delivery of a second breeding raft and creation of a disturbance-free tern nesting zone is secured at the Port, via a condition of consent.

Collision risk

We thank the Applicant for undertaking vantage point surveys in 2024 and collision risk monitoring following the recommendations made in our scoping letter. We note that only one breeding season of data was collected (not reflecting the variation in breeding areas and flight routes between years), and that both tern species were not able to be differentiated. An extremely high annual collision risk of 5.64 was calculated.

Appendix M.4: Collision Risk Modelling argues that the figure is overestimated as most associated with 'cold' pre-commissioning when turbine blades would be moving slowly and therefore easier to avoid. This may be the case but serves as a reminder of how important the area is for birds, especially tern species which are facing multiple threats at this site, and this additional potential mortality would bring an additional challenge to the breeding colony at the Port.

We strongly recommend including a condition of any consent to require that testing of turbines should be reviewed annually during the tern breeding season, depending on the location of colony and flight lines in that year, with scope to pause testing if required to reduce collision risk.

We note that section 13.8.2.1 of the EIAR, suggests that off-site habitat enhancement for terns will be explored prior to any turbine testing, via the Tern Management Plan (TMP); and section 13.8.2.2 explains that "the management strategies within the TMP will assist in the mitigation of impacts to tern, due to operations." Although the principle of off-site habitat enhancement for terns is welcomed, we have concerns that it that it will be very difficult to achieve (see Tern Management Plan section below). In addition, many of the actions outlined in the current TMP in Appendix M.5 are problematic as they focus on deterrence of terns from the site; and do not present clear plans or commitments to provision of safe breeding areas on site.

Therefore, the CRM assessment conclusion relying on the provision of alternative tern habitat through the implementation of the TMP to reduce the significance of effects further, cannot be relied upon. The TMP is discussed in detail below.

Tern Management Plan (TMP)

We have concerns regarding the Tern Management Plan presented in Appendix M.5. We understand the need to ensure a functioning port and service base, and the importance of health and safety, however, the long-term plan to encourage the terns away from the port and into the wider Cromarty Firth area will be difficult to achieve and therefore, finding on-site solutions are the best way forward in this case.

We welcomed the provision of a tern raft at the Port in 2022 and this was a key first step in conserving Common Terns at this site. As mentioned above, key objectives of the plan should include the provision of a second tern raft for Common Terns and an appropriately designed and designated tern nesting zone at the Port for Arctic Terns. These are not clearly committed to within the plan but note that section 6.1.1 Highly Pathogenic Avian Influenza (HPAI) states that "By improving the tern habitat provided by PoCF it is hoped that tern will favour these areas and subsequently avoid utilising operational locations"; and Appendix 3 (Tern Management Considerations) states that tern nesting boxes and decoys will be used in areas where they will not conflict with ongoing operation.

We strongly recommend that the Tern Management Plan should include sufficient detail, agreed with NatureScot and RSPB Scotland before consent. We make the following comments and suggestions to improve the plan:

- The TMP states "The abundance and spatial distribution of nesting tern specifically within PoCF's main industrial facility of the ISB have been recorded and reported on by volunteers on behalf of the Royal Society for the Protection of Birds (RSPB), as part of the RSPB Moray Firth Tern Monitoring Programme since 2015." We suggest a correction here that RSPB Scotland has monitored this site since the year 2000, with terns recorded most years from 2003. The current volunteers began monitoring in 2015.

- The TMP should include a detailed, annotated map of all previous and regular nesting areas within the Port to visually illustrate how the birds have used the site over the years. The map should also indicate where a second tern raft and the tern nesting zone be located; as well as any off-site habitat creation and enhancement as proposed in section 6.2.

- The TMP currently uses NatureScot guidance[10] on managing gull species as a basis of the plan and lists dive bombing, aggression resulting in direct strike and build-up of nesting material in gas-flues, air-conditioning units or drainage systems as 'risks' relevant for tern species. We do not believe this is an appropriate model for managing terns, as gulls are different species with different life histories and behaviours. It should be noted that terns will only dive bomb when feeling threatened, a defensive tactic used to protect their nests and young from perceived threats, often scaring intruders away rather than causing actual harm. Therefore, direct strikes are very unlikely to happen. Also, it is generally Arctic Terns that exhibit this behaviour, and it is less likely for Common Terns to dive bomb. Using appropriate safe working buffers and PPE would help mitigate these risks alongside the provision of an additional raft and onshore safe nesting area. In addition, terns do not use nesting materials, so the third risk listed here is not relevant for tern species.

- Appendix 3 Tern Management Considerations, lists a number of management actions including deterrent methods that could be used such as use of concrete to remove nesting habitat, scaring devices, hawking by birds of prey and disturbance by humans and dogs. This is extremely concerning; and are all gull management actions listed by NatureScot in their aforementioned guidance. We already know that such methods have not discouraged the terns in the past from using the port and have just moved them on to other areas within the port. In addition, as this is the largest Common Tern breeding colony within the Cromarty Firth SPA population, using such methods risks significant disturbance, which is contrary to the Conservation Objectives of the SPA[11]. If such methods are to be used, it is imperative that safe, alternative places are provided, again supporting the need for a second raft (for Common Terns only) and an appropriately designed and designated tern nesting zone at the Port. Any off-site breeding habitat provision should be delivered and proven effective before dissuasion techniques are used.

- The actions listed in Appendix 3: Tern Management Considerations, also suggest removing old nests and potential nesting materials. Again, this is only applicable to gulls and not terns.

- With regards to the short-term plan for 2025 (section 6.1.2), we understand the principle for use of CCTV to monitor the tern raft, and there would be benefits in terms of understanding predation pressure and food supply; but in our experience, it can be problematic for a number of reasons. Firstly, cameras get covered with droppings and sea spray, more than one camera would likely be required to get full coverage, several visits may be required to change batteries (depending on the set up), and it takes lots of time to check the footage. The

[10] Guidance - gull management | NatureScot
[11] https://www.nature.scot/sites/default/files/special-protection-area/8488/conservation-objectives.pdf

TMP does not identify who would be responsible for monitoring the footage. We suggest any camera monitoring is undertaken alongside surveyor monitoring.

- The short-term plan for 2025 (section 6.1.3) also states deterrent methods will be used within operational areas but these are not specified. As mentioned above, this should only be delivered alongside safe alternatives that can be proven effective.

- We note that the long-term plan, outlined in section 6.2 of the TMP is to encourage the terns to relocate elsewhere within the Cromarty Firth, away from the Port. Although we understand the reasoning behind this aim and would, in principle, support the off-site habitat creation outlined in 6.2.1, we think this will be extremely difficult to achieve and therefore not a reliable solution. Recreational disturbance is high in the Cromarty Firth at all other known tern breeding sites, some of which have supported very few or no terns in recent years. The highest numbers of breeding terns by far are at the Port, making it the most successful colony in the Cromarty Firth and indicating its importance for them in the wider area, despite the issues. This shows that first and foremost, conservation efforts need to focus on the Port, alongside actions in the wider area.

- We support the Monitoring Strategy as outlined in section 7 and welcome working together with the Port Authority to monitor the terns going forward.

- With regards to the provision of a second raft, we understand costs are rising, and therefore we recommend trying to find a mooring site where it can be left in place all year round.

- With regards to the on-site tern nesting zone, we recommend selecting an area (size to be confirmed in consultation with RSPB Scotland and NatureScot) that can be set-aside and protected from disturbance between the months of April and August (inclusive) on an annual basis, in perpetuity. Potentially suitable areas, previously used by terns include the Global Energy compound, adjacent to the main entrance gate, the water tank compound and Simpson's Yard. However, we are aware that some of these areas have now been tarmacked. A suitable nesting substrate should be re-laid if required with good drainage, and ideally predator proof fencing, decoys and artificial shelters to protect tern chicks from summer heat and aerial predation risk should be installed.

- Since mink predation has been an issue at the site, we recommend a continuing programme of mink control as part of the Tern Conservation Management Plan.

- Finally, consideration should be given to contributing to funding and setting up a warden and community engagement scheme similar to Bird Aware Solent[12], in collaboration with other green Freeport stakeholders and developers as discussed in the section on non-breeding waders below.

Impacts on non-breeding waders

Non-breeding waders, namely, Bar-tailed Godwit, Curlew, Dunlin, Knot, Oystercatcher and Redshank, are qualifying features of the Cromarty Firth SPA and many of these species feed and roost on the shore adjacent to the proposed development[13].

Appendix L.2: Habitat Regulations Appraisal Supporting Document states that the mitigation that has been proposed has reduced impacts on birds to non-significant and hence, "no adverse effects would be anticipated to the conservation objectives for the qualifying interests listed in Table 4.1.2, and therefore the Cromarty Firth SPA."

We note that the Phase 5 Development consent design layout was designed to specifically minimise impacts on intertidal bird habitats and the consent design layout was specifically selected as it was modelled to not change the coastline (section 13.6). This is welcomed.

However, we disagree with the EIAR conclusions with regards to construction and operational disturbance which states that "As curlew, oystercatcher and redshank continue to utilise habitats within and around the ISB, it is considered likely that the local populations have low sensitivity to these sources of disturbance, due to habituation"; and "sources of disturbance replicative of ongoing operations are not anticipated to result in any significant shift in baseline, which would alter the behaviour or spatial distribution of wader species." As explained in the tern section above, there is very little scientific evidence of habituation in birds. In addition, the area of work is being extended outside the current operational footprint, extending the source of disturbance outside current limits, with potentially higher risk disturbance activities such as piling. NatureScot guidance suggests disturbance distances for non-breeding Oystercatcher and Dunlin are 150-300m; Redshank 200-300m, and Curlew 200-650m, with much of the adjacent shoreline within these buffers from the proposed development and the Mean Low Water Springs within 300m of the red line boundary.

The Waterbird Disturbance Mitigation Tool Kit cited in the EIAR (Cutts, et al., 2013)[14] also gives disturbance distances of 300m; and page 17 of the toolkit states that September to April reflects the time of the year when non-breeding waterbirds are at their "greatest sensitivity" to disturbance. A schematic is provided in the toolkit on

[12] https://birdaware.org/solent/
[13] Bob Swann, North of Scotland Ornithological Services. (2007). Moray Firth Wildfowl & Wader Roosts. Scottish Natural Heritage Commissioned Report No.252 (ROAME No. F098LG02).
[14] https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/8f/bd/8fbdd7e9-ea6f-4474-869f-ec1e68a9c809/11367.pdf

page 14, summarising the distances at which birds respond to any visual disturbance (i.e. people, machinery or similar visible to the birds). The schematic "*indicates that for some species, behavioural responses during feeding may commence at around 300m distance (e.g. Curlew), whilst for others, a range of 150m to 100m is the response threshold (e.g. Dunlin). For roost sites, a generic response threshold radius of c. 300m has been derived, based around the approach distance for the most sensitive species. This because when disturbance occurs at a roost site, there is often a mass flight response or 'spook', where all species vacate an area at the first movement of an individual bird, regardless of respective species sensitivity thresholds)*."

Rules of thumb are set out on page 16 of the toolkit. It is notable that high level disturbance stimuli include close proximity of access to birds: i.e. works or works access undertaken within 100m of birds and workers operating outside of any plant, i.e. people on foot. Slow moving or small plant are classified as moderate disturbance. The toolkit therefore clearly highlights the risks from construction and dredging in estuarine habitats such as the Cromarty Firth SPA.

Although non-breeding bird surveys were undertaken over various years (Appendix M.2: Wintering Bird Survey Reports), no maps showing the data have been produced to visualise the results, nor any summary or analysis of results produced, which makes appraisal of the assessment difficult. However, it is clear that a range of SPA qualifying species forage and roost on the coast within 300-500m of the proposal; and these are already under pressure from recreational disturbance, particularly dog walkers on the shore (noted on numerous occasions in Appendix M.2: Wintering Bird Survey Reports). The in-combination impacts of this have not been considered in the EIAR. It is therefore concerning that no mitigation is proposed.

We strongly recommend that the proposed Ornithological Species Protection Plan (SPP) (Table 18.3.1: Summary of Construction Mitigation) is provided prior to any consent and includes detail on non-breeding bird mitigation plans, which can be secured by consent, to:

- **Avoid the most disturbing activities such as piling on the north side of the proposal during high tides between September to March.**
- **Ensure any lighting is directed downwards to the work site only and not directed towards the sea or mud flats to avoid disturbance to roosting birds.**

We would also strongly suggest that consideration be given to contributing to funding and setting up a warden and community engagement scheme similar to Bird Aware Solent[15], in collaboration with other Green Freeport stakeholders and developers. This would help tackle the wider recreational

[15] https://birdaware.org/solent/

disturbance issues around the Cromarty Firth both to breeding and non-breeding SPA birds.

Impacts on breeding Eider

The port has one of the biggest (if not the biggest) concentrations of nesting eiders in the Moray Firth. Unfortunately, as with tern species, this is not reflected in the EIA breeding bird survey results. A large number nest annually on the rock armour of the Queens Dock, so will be adversely affected by the proposed development, specifically construction of the Queens Dock West Berth, Ro-Ro and widening of access to Quay West. We agree with section 13.5.2.8 of the EIAR that states that "eider within the area of the ISB are considered to have potential ecological connectivity to the Moray Firth SPA."

As with terns and over-wintering waders, the EIAR appears to downplay the potential significance of disturbance to this species from construction and operation. The wording used in the assessment is the same for the different species scoped in as well as for construction and operational disturbance which shows that the nuances between disturbance types and species have not been considered.

It is understood that most Eiders will sit tight on their nests allowing a very close approach by people at the Port[16]. However, construction will also involve piling, which would likely create disturbance over and above normal operational levels, over an extended area, with noise and vibrations.

We welcome that rock armour will be removed outwith the breeding bird season (March to August inclusive), or once a suitably qualifying ornithologist has confirmed that there are unlikely to be any active nests. This should be made a condition of any consent and included in the Ornithological Species Protection Plan (SPP).

Since much of the rock armour will remain in place, and not all nesting sites will be removed during the construction period (section 13.7.2.1.2), some nesting habitat will remain for Eider. It will therefore be essential to ensure that suitable working buffers in line with NatureScot guidance (100-200m[17]) are implemented around nest sites.

We accept that the area of rock armour revetment will be increased once the Phase 5 area is constructed, creating new potential habitat; however, we disagree that a permanent, positive, impact can be concluded as it cannot be guaranteed the Eider would use it to breed if conditions are different.

We strongly recommend that a draft Ornithological Species Protection Plan (SPP) (Table 18.3.1: Summary of Construction Mitigation) is provided prior to

[16] Pers. comm. Bob Swann.
[17] https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance

any consent and includes detail on breeding bird mitigation plans for Eider, which can be secured by consent. This should specify:

- **That rock armour should be removed outwith the breeding bird season (March to August inclusive).**
- **How suitable working buffers will be implemented around nest sites.**

Eider prefer the top of the rock armour, above the highest tides. To increase suitability for breeding Eider, the following actions should be considered when replacing or constructing new areas of rock armour:

- **Creating a broader top with smaller boulders.**
- **Offset any fencing from the rock armour edge.**

Annex 2: RSPB Scotland Concerns - 00011085: Capital Dredging and Sea Deposit

Sea deposit of dredging spoil

The dredging spoil volume deposited at sea from the Phase 5 construction is estimated at 1,854,500 wet tonnes over a three year period, with a further 140,000 tonnes from the Nigg Quayside construction and 186,000 tonnes of ISB Maintenance Dredging from the Queens Dock area, bringing the cumulative spoil deposition over three years to between 1.1 and 2.3 million tonnes. The EIA acknowledges that this is six times the cumulative disposal of the last 11 years and that the magnitude of impact is unknown, yet their concluson is that "there will be some changes in water movement and sediment dynamics, these changes are expected to be minor and non-significant." This statement is unsubstantiated since it has been conceded that the magnitude of impact is unknown and recognised that the Moray Firth SAC is a sensitive receptor area.

Furthermore, it is evident that there is insufficient certainty that there is capacity in the Sutors trench to accommodate the volume of spoil anticipated because bathymetric surveys are recommended at the end of each phase of dredge disposal. This gives rise to further concern regarding the amount of suspended sediment in the water column, the impact that potentially filling the trench will have on the redistribution of sediment and the onward destination of spoil deposited. The EIA does not appear to assess the potential impact of sediment redistribution on *Zostera* beds within the firth which provide key feeding grounds for wintering wildfowl within the SPA.

We recommend that further investigation is undertaken into the capacity of the trench, the onward path of redistributed sediment deposited in the trench and the impact trench filling will have on suspended sediment loads. In addition, modelling of deposition at different states of the tide should be considered to minimise impacts.

The combination of the additional level of disturbance that construction and dredging boat traffic will bring (90-120 vessel movements annually according to Chapter 15 of the EIAR) and the impact of suspended sediment in the water column as a result of the substantial increase in spoil desposition raises serious concerns for the ability of

Common Terns, Kittiwakes and other seabird species breeding at the Sutors to feed in these waters. Prolonged periods of heavy sediment load in the water column may influence the movement of sprats and sandeels into the firth, thus reducing the food availability for the Common Terns and other seabird species reliant on this annual movement.

We strongly recommend that given the high volume of spoil being deposited, disposal should be timed to avoid the seabird breeding season i.e. extended from May (to allow for the migration of Atlantic Salmon) to include the months of June and July.

Toxicity within dredged spoil

We are concerned that the EIA has glossed over the peaks in both toxic metals and polycystic aromatic hydrocarbons which breach the thresholds for action. In our view, it is inappropriate to average such values over a site as the influence of tides and currents on sedimentary processes is highly unlikely to result in a uniform distribution in the sediment. Given the importance of the Cromarty Firth and Moray Firth for wintering wildfowl and waders, breeding terns and Eider duck, cetaceans and a wide range of other species, it is extremely concerning that sediments containing toxic levels of nickel and perylene which breach the threshold for concern will be disposed of at the Sutors along with the rest of the spoil. These substances are known to be toxic to a wide range of organisms and to bioaccumulate in the food chain.

We strongly recommend that sediments showing peaks in hydrocarbons and trace metals should be dealt with in a more cautious and environmentally sensitive manner rather than being treated as anomalous.

From:	Bea Ayling
To:	Elizabeth Skelton
Subject:	Re: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation Response Clarification - 02 July 2025
Date:	04 July 2025 11:27:17
Attachments:	image002.png image003.png image004.png image005.png image006.png Outlook-The RSPB a.png Outlook-The RSPB S.png Outlook-The RSPB S.png Outlook-qgkqiusy.png area_of_works_map_redacted.pdf

---

Dear Liz,

Thanks for your email. I've now read sections 12 and 17 of the attached Construction Environmental Management Document (CEMD) that you sent. Although we welcome that adherence to the CEMD would be a licence condition, unfortunately the document has not provided new information or detail which addresses our key concerns.

It is for the competent authority to carry out an appropriate assessment under the Habitat Regulations and satisfy themselves that a conclusion of no adverse impact on site integrity can be made before determining the application. We have continued concerns that insufficient information has been submitted to fully inform such an assessment.

Ornithological Species Protection Plan (SPP)
The mitigation actions outlined in 12.2.4.1 to 3 and 12.2.4.5 of the CEMD generally address our concerns, and we generally welcome the proposed survey and monitoring as outlined in 12.2.5.
However, we note that these actions are focused on breeding birds. The Cromarty Firth SPA is also designated for wintering/ non-breeding birds as noted in our letter dated 02 April 2025. It is our opinion that further detail is required from the Applicant on how mitigation measures will reduce disturbance to non-breeding birds, for example, by avoiding the most disturbing activities such as piling on the north side of the proposal during high tides between September to March.

With regards to lighting (12.2.4.3), we strongly recommend that this mitigation is required all year round, particularly in the winter.

Tern Management Plan
From our understanding, the construction licence application (00011084) is for an additional berth and laydown space adjacent to the existing Quay West (grey area on the area of works map - drawing number PC4461-RHD-ZZ-XX-DR-C-1009, attached) as well as a berth with Roll-on Roll-off capability on the western side of the Queens Dock (green area on the same map).

Section 12.2.4.4 of the CEMD and Table 17.1 Schedule of Mitigation (C11 and C12) indicate that mitigation in the form of a second tern raft and onshore tern nesting zone creation will only take place if the Queens Dock West Berth is to be constructed (i.e. the green area on map), and not if only other elements of the entire proposed development (i.e. including the Phase 5 grey area on the map) are implemented.

As outlined in our letter dated 2nd April 2025, we are very concerned that this proposed mitigation for Common and Arctic Terns appears conditional on the Queens Dock West Berth part of the proposed development being built. Even if this regular breeding area is not directly impacted (i.e. if the Queens Dock West Berth is not built), the cumulative disturbance and displacement effects resulting from the construction and operation of the Phase 5 area (grey area on map) alongside the usual day-to-day operation of other port areas, and the proposed actions to dissuade terns from nesting in other working areas as outlined in the Tern Management Plan (TMP), will exacerbate and add to adverse impacts on the terns on this extremely complex site. It does not seem clear when it will be known whether the construction of the Queens Dock West Berth will take place, or if it may take place in the future, and therefore how implementation of the measure would then be triggered. Given the sensitivity of tern species and to reflect

the precautionary approach of the Habitat Regulations, a second breeding raft and nesting zone should be secured by conditioned regardless of this aspect of the development happening.

We therefore reiterate the following recommendations:
• The provision of a second breeding raft and creation of tern nesting zone at the Port (and their retention and maintenance) is secured a condition of granting the marine licence for the entire proposed development and explicitly included within the Tern Management Plan. They should be secured and delivered, should any of the proposed development proceed, even if the Queens Dock West Berth is not constructed. They should also be delivered before any construction commences so they are in place prior to the potential disturbance taking place.
• Prior to determination, further information should be provided on the size and location of the proposed second raft and tern nesting zone to allow consideration of the likely effectiveness of such measures.
• The on-site tern nesting zone should be maintained in perpetuity, or at least for the operational lifetime of the Port development with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk.

In addition, the content and lack of detail in the TMP in its current form is extremely concerning to us as outlined in our letter. Therefore, we do not feel the inclusion of the proposed condition wording would satisfy our concerns, as further detail and commitment by the applicant is required to allow consideration of such measures prior to consent. Common Terns are a qualifying species of the Cromarty Firth SPA, and it is our opinion that without securing adequate mitigation prior to consent risks undermining the conservation objectives of the SPA.

However, without prejudice to our position, if you are minded to approve the application without this information, we recommend the condition wording is amended to reflect the required detail:

"Prior to the commencement of any licensed activity, a revised Tern Management Plan (TMP) shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland. Thereafter, all works shall proceed in accordance with the approved TMP. It is not permissible for any works to commence prior to approval of the TMP. The TMP must include, but is not limited to the following:

• Details of the size, design, location, retention and maintenance plan and delivery timing for the provision of a second breeding tern raft and creation of tern nesting zone at the Port of Cromarty Firth. The on-site tern nesting zone shall be maintained for the operational lifetime of the Port, with a suitable nesting substrate, predator proof fencing, decoys, artificial shelters to protect tern chicks from summer heat and aerial predation risk. For the avoidance of doubt, these measures shall be delivered regardless of whether the proposed Queens Dock West Berth is implemented developed and shall be delivered before any licenced activity commences.

• Details, including delivery timings, of off-site actions to provide suitable breeding habitat for terns in the wider Cromarty Firth area. These shall be delivered prior to construction commencing and must be proven to be effective before any programme of further dissuasion techniques are undertaken at the Port.

• Details of the consideration of funding and setting up a warden and community engagement scheme similar to Bird Aware Solent, in collaboration with other Green Freeport stakeholders and developers with the aim of tackling the wider recreational disturbance issues around the Cromarty Firth both to breeding and non-breeding SPA birds, including terns."

I hope this is helpful.

Kind regards,
Bea

Bea Ayling | she/her/hers
Conservation Officer, North Highland

bea.ayling@rspb.org.uk
[Redacted] | I am currently working from home

RSPB North Scotland Regional Office
Etive House
Beechwood Park
Inverness
IV2 3BW
rspb.org.uk

Protecting habitats, saving species and helping to end the nature and climate emergency.
Nature is in crisis. Together we can save it.

From:	Bea Ayling
To:	Elizabeth Skelton
Subject:	Re: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Response Clarification - 09 July 2025
Date:	10 July 2025 15:02:17
Attachments:	image001.png image002.png image003.png image004.png image005.png Outlook-The RSPB a.png Outlook-The RSPB S.png Outlook-The RSPB S.png Outlook-jljnx3bd.png

---

Dear Liz,

As outlined in our response, the dredge disposal area is in close proximity to the Sutors cliff-nesting seabird colony - and depositing spoil here during their breeding season will influence the movement of sprats and sandeels (their prey) into the firth, thus reducing the food availability at this critical time (April to July inclusive). We would therefore still strongly recommend that no spoil is deposited between April and July.

We would recommend the condition is amended as follows (new wording underlined):

Prior to the commencement of any licensed activity, a revised Ornithological Species Protection Plan (OSPP) shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland.
Thereafter, all works shall proceed in accordance with the approved OSPP. It is not permissible for any works to commence prior to approval of the OSPP. The OSPP must include the following:

- further detail on how mitigation measures will reduce disturbance to non-breeding birds, specifically the qualifying features of the Cromarty Firth SPA.
- Details of measures to ensure any lighting is directed downwards to the work site only at all times.

- Confirmation that any Spoil disposal at the Sutors spoil disposal site CR019 shall not take place during the seabird breeding season, April and July inclusive.

I hope this helps!

Bea Ayling | she/her/hers
Conservation Officer, North Highland
bea.ayling@rspb.org.uk
[Redacted] | I am currently working from home

RSPB SCOTLAND

RSPB North Scotland Regional Office
Etive House
Beechwood Park
Inverness
IV2 3BW
rspb.org.uk

Cheers,
Bea

Sent: 09 July 2025 13: 48

From: Elizabeth Skelton <Elizabeth.Skelton@gov.scot>

To: Bea Ayling <Bea.Ayling@rspb.org.uk>
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Response Clarification - 09 July 2025
Importance: High

Good Afternoon Bea,

Sorry to bother you again but we have one thing we are looking for clarification on.

In your initial response it states:

We strongly recommend that given the high volume of spoil being deposited, disposal should be timed to avoid the seabird breeding season i.e. extended from

May (to allow for the migration of Atlantic Salmon) to include the months of June and July.
At this time we are conditioning the sensitive smoult period (11 April – 24 May) in line with advice from diadromous fish specialists with Marine Directorate.
What seabird breeding restriction are you proposing? Is this still required? Could this be included in the condition below?
Prior to the commencement of any licensed activity, a revised Ornithological Species Protection Plan (OSPP) shall be submitted to and approved in writing by the Licensing Authority, in consultation with NatureScot and RSPB Scotland.
Thereafter, all works shall proceed in accordance with the approved OSPP. It is not permissible for any works to commence prior to approval of the OSPP. The OSPP must include the following:

- further detail on how mitigation measures will reduce disturbance to non-breeding birds
- Ensure any lighting is directed downwards to the work site only at all times.

Kind Regards,
Liz
Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
Mobile: [Redacted] Email: Elizabeth.Skelton@gov.scot

Scottish Fishermen's Federation

From:	Mohammad Fahim Hashimi
To:	MD Marine Licensing
Cc:	Elspeth Macdonald
Subject:	RE: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025
Date:	18 March 2025 10:32:39
Attachments:	image001.png

Dear Liz,
Thanks for sharing this consultation opportunity with the SFF.
Please file a 'nil return' response for this consultation from us.

Best wishes
Fahim Mohammad Hashimi
Offshore Energy Policy Manager

Scottish Fishermen's Federation (SFF)
24 Rubislaw Terrace | Aberdeen | AB10 1XE
T: +44 (0) 1224 646944 | M: [Redacted]
E: f.hashimi@sff.co.uk | sff.co.uk
Follow us: Facebook | Twitter

From: MD.MarineLicensing@gov.scot
Sent: 17 February 2025 10:03
Subject: 00011084 & 00011085 - Port of Cromarty Firth (per Affric Limited) - Construction & Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development - Consultation - Response Required by 19 March 2025

Dear Sir/Madam,

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

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.
Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Invergordon Service Base Phase 5 Development at Invergordon.
An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 along with supporting documentation.
The licence applications, EIA report and supporting documentation can be accessed via the following link: Invergordon Service Base Phase 5 Development | marine.gov.scot
Please forward your comments on these proposals via electronic communication to MD.MarineLicensing@gov.scot or as a hard copy to the address detailed below by 19 March 2025 (30 days from date of consultation email).
Kind Regards,
Liz

Elizabeth Skelton (pronouns she/her)
Marine Licensing Casework Officer
Licensing Operations Team - Marine Directorate
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
Mobile: [Redacted] Email: Elizabeth.Skelton@gov.scot
General Queries: +44 (0)300 244 5046
Email: MD.MarineLicensing@gov.scot
Website: Marine Environment

To see how we use your personal data, please view our privacy notice

Scottish Water

Friday, 21 February 2025

Marine Licensing
375 Victoria Road

Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Follow Us

Dear Customer,

Port of Cromarty Firth, , Invergordon, IV7 8LZ
Planning Ref: 00011085
Our Ref: DSCAS-0127311-M3Q
Proposal: 00011085 - Port of Cromarty Firth- Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Dev

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at

https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for

checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

The Cromarty Firth Fishery Board

Cromarty Firth Fishery Board

Cromarty Firth Fishery Board,
Galbraith, Clark Thomson
House, Fairways Business Park,
Inverness, IV2 6AA

March 4th 2025

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.
– Initial Consultation Response

Dear sir / madam,

I am writing in response to a consultation application for development of the Invergordon service base, in the Cromarty Firth. The Cromarty Firth Fishery Board have a remit for the protection and conservation of Atlantic salmon and sea trout in all rivers which drain into the Cromarty Firth. This extends to the protection of fish in all inland waters; in this instance everything west of the Sutors of Cromarty.

Due to the scale of the proposed development, there is significant risk to the survival of local salmon and sea trout populations (e.g., The Roskeen Burn) but also wider potential to impact the migration of fish from all rivers in the district, principally, the River Conon. Our primary concern is to the disruption of the seaward migration of juvenile salmon and sea trout (smolts) and to the return (spawning) migration of adult salmon. However, the duration and extent of the proposed works has the capacity to have much wider reaching negative impacts on the local marine and transitional ecosystems within the firth around Invergordon and Udale Bay.

After initial review of the scoping report and associated EIA's I am satisfied that some effort has been made to identify and mitigate issues surrounding potential impacts on smolt migration. Nevertheless, I have concerns over the timing and duration of the proposed cessation of dredging as a mitigation measure and suggest that a dialogue is opened directly with the Fishery Board to appropriately identify the optimum timing for this. As an absolute minimum, I advise that dredging be avoided for an eight-week period from the 15th of April through to the 15th of June. We have ample data on smolt migration, and I am happy to discuss this is more detail and advise where appropriate.

There is a lack of assessment on the potential impact on returning salmon and though difficult to quantify, I suggest that more care is taken to the mitigation of sound disturbance during the summer. The main source of noise pollution identified is from piling operations and there are several mitigation techniques which I would request are looked into in more detail; specifically soft start (to allow fish in close proximity to leave the site before full piling commences) and push or vibration piling techniques as opposed to impact piling, The run of salmon to the River Conon is highly protracted but peaks during July and I would request that mitigation be put in place during this month, at minimum. There is also high possibility of Atlantic salmon from the Moriston SAC being present in the firth during this time, protection should absolutely be afforded to these fish.

Whilst not directly related to inland fisheries, I suspect potential damage to locally important seagrass beds through direct impacts to local water quality and chemistry during operations. In this regard, I see limited mention of this in the scoping report despite the Cromarty Firth being one site in Scotland's most ambitious seagrass restoration project to date (NatureScot, 2025). Sea grass is known to be an important nearshore feeding habitat for anadromous sea trout and loss of this habitat has the potential to impact survival of sea trout populations within the firth.

At this early stage it is difficult to assess the scale and extent of potential damages to fisheries interests in the firth and I suspect there to be potential for much wider impact not mentioned above. As such, I request more information on proposed mitigation and offsetting measures to more fully respond to the consultation. Furthermore, we request to be involved in discussion around primary mitigation measures to avoid or reduce negative impacts and to explore opportunities for local offsetting and identification of knowledge gaps.

Lastly, the section on the legal protection of Atlantic salmon (13.3 Fish Ecology, Table 13.5) is not wholly accurate and there is legislation pertaining to their protection within inland waters (here within all waters in the Cromarty Firth). They are further identified as a Red List species under IUCNs classification, with the UK population having recently been classed as 'Endangered'. As such a request is made here that mitigation measures for all potential impacts on Atlantic salmon and associated transitional habitats be taken seriously.

Kind Regards,
Dr Sunny Bradbury
Fisheries Manager
Cromarty Firth Fishery Board
Mobile: [Redacted]
cromarty.dsfb.org.uk | Like us on Facebook | Follow us on Twitter

Saltburn & Westwood Community Council

Saltburn & Westwood Community Council
[Redacted]

Marine Directorate
Licensing Operations Team
Scottish Government
5 Atlantic Quay
Glasgow
G2 8LU

22 April 2025

[Redacted] - Licensing Casework Officer

Dear Sirs

Invergordon Service Base Phase 5 Development

Construction, alteration or improvement of any works Cromarty Firth Port Phase 5 Development

On behalf of Saltburn and Westwood Community Council, I write to register our disappointment at the process and manner of public consultation in the above application currently before you.

We appreciate that this application is not one that came before the Highland Council as a town planning matter and as such, we realise the opportunity for local democracy to have a voice is limited. That said, limiting to 30 days the time for the Highland Council to assess a complex 1000 page application document and seek input from constituents through their elected Community Councils, was patently undemocratic.

Community Councils, constituted of volunteers, only routinely meet monthly and therefore the opportunity to meet with their Councillors and offer comment and feedback on the application before you was wholly inadequate and made the process of consultation pointless – a potential tick box exercise.

Several of our Community Council were able to be present at, or watch on a webcast, the Highland Council's deliberations on the application. Though we realise the way the Council handles its meetings is not the concern of The Marine Directorate, those in attendance were uniformly aghast, even disgusted, by the superficial consideration given by the Councillors to the report of their own planning officer. There was no probing or forensic questioning of the report or its conclusions,

and it very much seemed like a decision already made waiting to be rubber stamped. Even more distressing was that the few Highland Councillors who did speak, including the chair of the meeting, all registered their unhappiness at the compressed timescale for consultation, yet none saw fit to move (at least in the meeting) that their concern be conveyed to The Marine Directorate as part of their consultation response.

Following this, on 13th March, The Cromarty Firth Port Authority hosted a presentation to representatives of the area Community Councils. Though glad of the opportunity to hear the presentation, those in attendance were left with the same impression that they were being presented a decision already made and not to be interrogated. Any detailed questions about the proposed operations, both in construction and future operation, were met with equivocal or conditional answers, characterised with phrases such as “it is (or is not) expected”, it is unlikely (or likely)”, “probably”, or suggestions we read the relevant sections of the massive application document.

Our Highland councillors, and our ward Community Councillors, are there to allow legitimate community concerns, in this case about the impact of the construction and operational phases of this development, to come forward, for example:

- concerns in the sourcing and transportation routing of materials like rock armour and bulk aggregates
- concerns about the impact of wider construction and associated logistics on the existing road network
- concerns about the operation of the construction of 300+ metre high turbine towers and their testing
- concerns about the possibility of accelerated or altered coastal erosion

We attach a photo of a jack-up oil rig currently moored close to the proposed site, the legs of which are only half the height of the proposed turbines. The Port Authority presentation made much use of video images of the turbines, showing the visual impact on the local area, yet none of them clearly showed the visual impact on the houses immediately adjacent to the site.

Our concerns are not intended to prevent the application and development going forward. We are realists. We are simply worried that in the absence of Highland Council pursuing these concerns in the limited time allowed to them that our questions will not be addressed with unequivocal responses with detail regarding how potential negative impacts are to be mitigated. Further, how the community can be assured that promises are kept without placing on the community itself the burden of monitoring and policing contractor performance and that the construction contracts will be signed without adequate safeguards.

Yours Faithfully,

[Redacted]

Donna Smith

Chair – Saltburn & Westwood Community Council

Transport Scotland

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
george.smith@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Elizabeth Skelton
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

md.marinelicensing@gov.scot

Your ref:
00011084
00011085

Our ref:
GB01T19K05

Date:
18/03/2025

Dear Sirs,

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.

00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5 Development.

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by Affric Limited in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises the construction and dredge Marine Licence applications for Port of Cromarty Firth's proposed Phase 5 Development of the Invergordon Service Base. The Invergordon Service Base (ISB) is located on the southern edge of Invergordon, approximately 11km west of the Sutors at the mouth of the Firth. The nearest trunk road to the site is the A9(T) which lies approximately 3km to the north.

Transport Scotland was consulted on the Scoping Report for this development and we provided comment in our letter of 1st Feb 2024.

Assessment of Environmental Impacts

Chapter 15 of the EIAR presents the assessment of the likely effects of the proposed Phase 5 Development at the Invergordon Service Base (ISB) on Traffic, Transport and Navigation resulting from vehicle, people and vessel movements associated with both the construction and operational phases of the development. This states that the assessment has been carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines entitled Environmental Assessment of Traffic and Movement (July 2023).

The EIAR states that the study area for the assessment includes the A9(T) between Daviot and the Meikle Ferry Roundabout, in addition to local roads. We note that in order to avoid traversing through Invergordon, all material deliveries arriving by road will access and egress the ISB via the western access gate, via the A9(T)/ B817 grade separated Dalmore junction.

Chapter 15 states that base traffic flows have been obtained using DfT data which has been utilised to supplement data collected for the Phase 4 Development and confirm that it is still relevant for this assessment. Table 15.5.1 presents the Daily Flow Traffic Data from DfT Site Number 50725 which is located approximately 1.5 miles south of the Dalmore junction. This indicates that the base daily traffic flow on the A9(T) is 11,593, 745 of which are HGVs.

A screening assessment involving the predicted HGV and traffic movements associated with construction and operational phases being compared with baseline traffic data has been carried out. Table 15.7.2 presents the Anticipated HGV Movements Associated with Delivery Materials, which indicates that the maximum number of HGV movements per day is 70.

Table 15.7.4 presents the Maximum Number of Vehicle Movements per Day During Construction, where it is demonstrated that the total number of trips per day on the B817 (via the A9(T) junction) is 190, 70 of which are HGVs. The percentage impact of these trips on the base traffic level on the A9(T) is an increase in HGVs of 8.6% or a total vehicle increase of 1.6%. As these results are below the IEMA threshold guidelines, Transport Scotland is satisfied that no further trunk road assessment is required.

Abnormal Loads Assessment

With regard to the assessment of Abnormal Indivisible Loads (AIL), the EIAR states the following:

"Transport Scotland requested that a full Abnormal Loads Assessment report be provided in the Environmental Impact Assessment Report (EIAR) to identify pinch points on the trunk road. Additionally, it was recommended that swept path analysis should be undertaken to provide details of any required changes to street furniture or structures along the route. As described in Sections 15.7.1.1.4 and 15.7.2.1.4 abnormal loads are anticipated to be limited and currently undefined, however, they are unlikely to be of a scale that they would not be able to utilise the existing road network to access the ISB, hence swept path analysis is unlikely to be required."

We would state that in the event Abnormal Loads are required and they exceed the dimensions requiring a Special Order, Transport Scotland will require an Abnormal Load Assessment, including swept path analysis to be submitted.

Conclusions

Based on the review undertaken, we can confirm that we are satisfied with the submitted EIAR and we have no objection to the development in terms of environmental impacts on the trunk road network. We would, however, request that the following conditions be attached to any consent that may be granted:

- Condition 1: Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

  Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

- Condition 2: Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

  Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

- Condition 3: Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

  Reason: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.

In addition to the above Conditions, the applicant should be informed of the following advisory notes setting out requirements relating to works within the trunk road boundary:

I. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate.

II. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

III. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

IV. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

V. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

VI. To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100.

VII. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

[Redacted]

George Smith

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

Marine Analytical Unit

Scottish Government
Riaghaltas na h-Alba

Invergordon Service Base Phase 5 Development

Marine Analytical Unit Response
Marine Directorate

The Invergordon Service Base, Phase 5 development license application includes a description of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

Methodology

The socio-economic impacts were assessed for the following areas:

- Invergordon and Alness;
- Inner Moray Firth;
- Highlands Council;
- Scotland; and
- the United Kingdom.

We note that the Marine Analytical Unit's opinion produced during the scoping stage of the assessment has been incorporated into the EIA, and the assessment includes the consideration of health and social impacts.

The report relies solely on desk-based methodologies and discusses changes in Gross Value Added (GVA), employment and income that are expected to arise as a result of the proposed development during the construction and operational phases. The assessment considered a range of impacts (population, economic activity, employment, housing, health services, education services, recreation and tourism and deprivation).

Engagement with local communities

The EIA report describes the engagement with statutory and non-statutory consultees, including the MAU, the Highlands Council, the joint community council and port user meetings, the annual public meetings, and other activities held as part of the Pre-application Consultation (PAC). The report states that the outcomes of these meetings fed into the design of the project. No other community engagement was conducted nor was any primary social research undertaken with local communities for the purposes of the SEIA.

Potential impacts

A range of potential beneficial effects were identified in the assessment.

The assessment predicts minor positive (non-significant) economic impacts for the Inner Moray Firth and the Highland Council area during the construction phase, and moderate positive (significant) during the operations phase.

The assessment anticipates negative socio-economic impacts of added housing pressure. These are assessed as a minor negative (non-significant) in the Inner Moray Firth during the construction phase. The Inner Moray Firth area is experiencing house shortages. To reflect this the assessment concluded that during the operation phase impacts on housing are moderate negative (significant). The assessment notes that these pressures might have negative effects on social interactions and wellbeing. However, increased demand on housing might also lead to improvement in housing stock, as new houses might be built. The assessment notes that strategic mitigation to tackle the pressures on housing are being collaboratively addressed by Highlands Council and the Inverness and Cromarty Firth Green Freeport (identification of new land for housing, investment of Non-Domestic Rates fund into housing and infrastructure). However, these mitigation measures are outwith the specific control of the project, and therefore, carry a risk of not being realised.

We note that the Green Freeport Skills Plan has also been designed to raise awareness amongst the current and future workforce of the range of different career opportunities.

Conclusions

Overall, we consider that the assessment of socio-economic impacts set out in the EIR report is proportionate and satisfactory.

Marine Directorate – Science, Evidence, Data and Digital

Scottish Government
Riaghaltas na h-Alba
gov.scot

E: MD-SEDD-RE_Advice@gov.scot

Elizabeth Skelton
Marine Directorate
Licensing Operations Team
Scottish Government
Marine Laboratory
Aberdeen
AB11 9DB

9th May 2025
INVERGORDON SERVICE BASE – CROMARTY FIRTH

MD-SEDD note the lack of advice provision from NatureScot and request a meeting with MD-LOT to discuss this provision in relation to other similar developments requiring advice on diadromous fish.

Marine Directorate – Science, Evidence, Data and Digital (MD-SEDD) advisers have reviewed the request from MD-LOT regarding the smolt period and provide the following advice.

MD-SEDD advise that a sensitive window for smolt migration has been estimated by Malcolm *et al.* (2015). Malcolm *et al*. (2015) identified a sensitive window, of day of year 103-145 with an estimated effect of -1.5 days per decade from 2015, when the majority of salmon smolts will be emigrating to Scottish coastal waters. This sensitive window in 2025 is considered to be 11 April to 24 May. MD-SEDD advise that dredging should be avoided during the sensitive window for smolt migration.

MD-SEDD note that more precise information maybe available for the specific catchment, however that data has not been provided.

MD-SEDD advise that dredge spoil from Ardersier port should also be included and the potential cumulative impacts on salmonid post smolts as the Sutors have been identified as a potential disposal location for this project.

References

Malcolm, I.A., Millar, C.P. and Millidine, K.J. 2015. Spatio-temporal variability in Scottish smolt emigration times and sizes. Scottish Marine and Freshwater Science Vol 6 No 2. Edinburgh: Scottish Government, 15pp. https://www2.gov.scot/Resource/0047/00472202.pdf.

Yours sincerely,

Marine Renewables and Ecology Team

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/marinescotland

Scottish Government
Riaghaltas na h-Alba
gov.scot

E: MD-SEDD-RE_Advice@gov.scot

Elizabeth Skelton
Marine Licencing Casework Officer
Licencing Operations Team
Marine Directorate
Scottish Government

03 July 2025

RE: Port of Cromarty Firth (per Affric limited) - Invergordon Service Base Phase 5 Development

Advisors from the SEDD Marine Renewables & Ecology Team have reviewed the above request and provide the following advice.

MD-SEDD advise that there is limited data available to assess the presence of commercial fisheries in the vicinity of the development and disposal site. As previously advised at the scoping stage, the Scottish under 12 m vessel data shows that there is either very limited (less than 5 vessels) or no commercial fishing in the Cromarty Firth area near to the development. There is no specific information provided by the consultee on what species, fishing grounds or other locations are at potential risk from the development.

MD-SEDD note that no discussion of potential impacts on marine fish and shellfish was carried out in the scoping or EIA stage. As no sedimentation modelling has been carried out in the context of marine fish and shellfish near to the disposal site, MD-SEDD cannot comment definitively on whether there will be significant impacts to shellfish which could further impact creel fisheries. However, the dredging proposed within the application is highly localised in a harbour that is not used by fishing vessels, as was advised in MD-SEDD's previous scoping advise. The dredged volume is spread across three years, and the disposal site is already a licensed disposal site.

MD-SEDD advise that it is highly unlikely there will be significant impacts to marine fish and shellfish, and therefore unlikely to be a significant impact to commercial fisheries and thus no requirement for further assessment.

Yours sincerely,

Renewables and Ecology Team
Marine Directorate – Science, Evidence, Data and Digital

Members of the Public

Marine Directorate | Marine Directorate Blog | @ScotGovMarine | Marine Directorate LinkedIn

---

From: [Redacted] [Redacted]
Sent: 10 March 2025 19:23
To: MD Marine Licensing <MD.MarineLicensing@gov.scot>
Subject: Invergordon Phase 5 - 00011084

Good afternoon,

I was disappointed to learn the narrow boundary selected for the above project for the Environmental Impact Assessment [EIA].

The construction of Phase 4 had caused considerably changes to the marine environment for a far wider area than that required to be assessed for Phase 5. The northern stretches of the seabed of the Cromarty Firth stretching west from Invergordon has silted up quite considerably since Phase 4; the tides have changed significantly and erosion is taking place on the shore. None of this was happening before Phase 4 was built. All these changes can have a significant effect on the marine environment, and to the living organisms present in the Firth.

Could you please explain why such a narrow boundary has been selected for the EIA and what evidence was presented to enable the scoping out of the wider area.

I am concerned that Phase 5 will have a detrimental affect on the marine environment. If Marine Scotland are confident that Phase 5 construction will not affect the marine environment, the only way this can be known is by an EIA having been conducted for the wider area. This is of course why we environmental assessments in the first place.

[Redacted]
[Redacte

TEL: [Redacted]

Mobile: [Redacted]

From: [Redacted]
To: MD Marine Licensing
Subject: Fwd: Port of Cromarty Firth activity
Date: 02 April 2025 18:39:16

This was relating to
https://marine.gov.scot/node/26023

And

00011084 - Port of Cromarty Firth (per Affric Limited) - Construction - Invergordon Service Base Phase 5 Development.
00011085 - Port of Cromarty Firth (per Affric Limited) - Capital Dredging and Sea Deposit - Invergordon Service Base Phase 5

Thanks
[Redacted]

Sent from my iPhone

Begin forwarded message:

> **From:** [Redacted]
> **Date:** 2 April 2025 at 14:41:44 BST
> [Redacted]
> **Subject: Fwd: Port of Cromarty Firth activity**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** MD.MarineLicensing@gov.scot
> > **Date:** 25 March 2025 at 11:58:37 GMT
> > **To:** [Redacted]
> > **Subject: Port of Cromarty Firth activity**
> >
> > Good Afternoon,
> >
> > Can you confirm that these comments are in relation to specific marine licence applications? You mention a scoping at Ardersier, do you have a specific number?
> >
> > Any information on the applications can be found on our website https://marine.gov.scot/
> >
> > Thanks,
> > Kind Regards,
> > Liz
> >
> > Elizabeth Skelton (pronouns she/her)
> > Marine Licensing Casework Officer
> > Licensing Operations Team - Marine Directorate
> > Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted] Email: Elizabeth.Skelton@gov.scot

General Queries: +44 (0)300 244 5046
Email: MD.MarineLicensing@gov.scot
Website: Marine Environment

-----Original Message-----
From: [Redacted]
Sent: 12 March 2025 18:41
To: MD Marine Licensing
Subject: Port of Cromarty firth activity

Dear sir / madam
As per email re scoping at ardersier
I am concerned that impact on shellfish and hence my creel fishing business (as well as other fisherman) has not been considered in these plans Happy to discuss further. Please do not hesitate to contact me Doug Grant Sent from my iPhone