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## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) 2017 REGULATIONS (AS AMENDED)**

#### **DECISION NOTICE – MARINE LICENCE FOR THE CONSTRUCTION, DREDGING AND DEPOSIT OF DREDGED SUBSTANCES OR OBJECTS ASSOCIATED WITH THE REDEVELOPMENT OF THE ST. OLA PIER AT SCRABSTER HARBOUR, CAITHNESS**

#### **1. Application and description of works**

- 1.1. On 16 July 2019 Scrabster Harbour Trust of Scrabster Harbour, Thurso Caithness, KW14 7UJ ("the Applicant") submitted to the Scottish Ministers applications under Part 4 of the Marine (Scotland) Act 2010 for the construction, dredging and deposit of dredged substances or objects associated with the St. Ola Pier redevelopment at Scrabster Harbour, Caithness ("the Works"). The applications were accompanied by an Environmental Impact Assessment report ("EIA Report") as required under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the 2017 MW Regulations"). The said applications are collectively hereinafter referred to as "the Application".
- 1.2. The existing St. Ola Pier has fallen into declining use due to ongoing corrosion of steel piling and lack of load bearing capacity for imposed deck loads. The proposed redevelopment of St. Ola Pier aims to ensure the ongoing structural integrity of the pier and will cover an area of approximately 85,873m<sup>2</sup>. The location and boundary of the Works are shown in Appendix 1. The Works include extending the existing pier by 155m to provide an overall pier length of

280m long and width of 32m. This will be achieved through the partial demolition of both the existing pier and revetment to allow new pier walls and decking to be constructed which will lengthen and widen the pier and provide straight berthing faces. Construction of the new pier walls will involve impact piling of up to 230 combi-wall piles over the duration of 115 days between May and October. The volume of demolished material will be approximately 7,400m<sup>3</sup>, where appropriate this material will be reused, failing which it will be disposed of at landfill.

- 1.3. The Works also include approximately 0.84ha of land reclamation to the north of St. Ola Pier, as shown coloured blue on Appendix 1. This will comprise of 0.4ha of compressed dredge material, imported fill or a mixture of both and will be topped with concrete. In addition, 0.44ha of rock revetment will be added for protection and will reuse the rock armour from the existing revetment together with a small additional amount of new rock.
- 1.4. Dredging will be required along the inner and outer face of the pier. The inner area of the pier is to be dredged to -7.5m chart datum ("CD") and the outer area is to be dredged to -9m CD. The total dredge volume is estimated to be 172,000m<sup>3</sup> and it is anticipated that 92% of the dredge material will be suitable for re-use within the land reclamation. The excess material together with any material that is found to be unsuitable, up to a maximum of 63,000m<sup>3</sup>, will be deposited at the Scrabster sea deposit site. The dredging will likely be completed by backhoe dredger given that majority of the dredge material will be reused within the site. A trailer suction hopper dredger might be used in respect of the material which is to be deposited at the Scrabster sea deposit site.
- 1.5. New fuel and water lines are also to be constructed and connected to the redeveloped pier. These lines will either be routed from existing piers utilising trenched lines through the seabed or, in the case of fuel, will have a new tank built on the reclaimed land and the supply directly routed through the reclaimed land to the new pier.
- 1.6. This decision notice contains the Scottish Ministers' decision to grant regulatory approval for the Works as described above, in accordance with the 2017 MW Regulations.

## **2. Summary of environmental information**

- 2.1. The environmental information provided by the Applicant was:
  - An EIA Report that provided an assessment of the impact of the Works on a range of receptors;
- 2.2. A summary of the environmental information provided in the EIA Report is given below.



### *Traffic and Transport*

- 2.3. The EIA Report identified potential impacts on traffic and transport at both the construction and operational phases of the Works. To assess these impacts the Applicant undertook a desk-based study using existing and publicly available information to establish baseline conditions. Baseline conditions were established in relation to traffic on the A9 trunk road, which provides the sole access to the harbour and also in relation to the current number of vessels berthing in the harbour and took account of projected national traffic increases in the future.
- 2.4. With regards to the construction phase of the Works, the EIA Report identified that there would be an increase in traffic movements and in assessing the impact of this, considered the worst case scenario in which, all dredge material and infill would have to be transported by road. The Applicant later clarified however that particle size analysis had confirmed that the dredge material is suitable for infill purposes for use in both the works to the pier and the land reclamation. In addition, the Applicant confirmed the excess dredge material would be deposited as the Scrabster sea deposit site rather than landfill. This therefore reduced the anticipated construction traffic, in particular reducing the heavy ground vehicles ("HGV") movements because of the decreased need to import infill material. The Applicant clarified that during the construction phase, the traffic peak will be 5.8 HGV movements per hour and expected to last over a 5 month period, whereas the average over the entire period will be 3.4 vehicles per hour. The Applicant therefore concluded that with the mitigation detailed in the EIA Report (including the Dust Management Plan) and which will be consolidated within the Construction Traffic Management Plan, the traffic and transport impacts during the construction phase are minor.
- 2.5. With regards to the operational phase of the Works the EIA Report identified that would be an increase to transportation activity due to ability to accommodate larger cruise vessels and also an increase in the number of cruise calls. Furthermore the EIA Report identified an increase to traffic as a result of increased berthing activity for oil & gas vessels. The Applicant identified that, in relation to the operational aspects of the Works, the projected traffic generated by increased berthing activity would amount to 4,400 additional trips on the trunk road. On the projected busiest days of the year, this would result in a 3.1% increase in annual average daily traffic flow and an increase in HGV movements of 7.1%. The Applicant concluded that the operational impacts are negligible and therefore no mitigation is required.

### *Air Quality and Climate*

- 2.6. The air quality assessment carried out by the Applicant considered the effects of 'Local' and 'Regional' air quality in accordance with the methodology set out in the Design Manual for Roads and Bridges (DMRB) Advice Note 20707. A baseline was established using existing air quality reports produced by the Highland Council.
- 2.7. Assessment of the effects of the construction aspects of the Works including transport, demolition, earthworks, construction, track out and dredging, was carried out and the impact of the construction aspects was found to be low to



medium on the closest sensitive receptor, being nearby residential properties. The Applicant submitted a Dust Management Plan within their EIA Report which detailed mitigation measures to be employed during the construction phase. The effects of the construction aspects of the Works in regards to air quality and climate goals were not considered to be significant with the mitigation measures in place.

- 2.8. Assessment of the impact of the operational phase of the Works has been based on air quality projections of the year of opening (2021) and the design year (2036). The changes of NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> expected to be generated from the increased traffic movements over this period were modelled and a quantitative assessment undertaken in line with Institute of Air Quality Mangers significance criteria. Using this criteria, it was determined that the operational effects of the Works would not significant impact upon the relevant air quality objectives for PM<sub>2.5</sub>, PM<sub>10</sub> or NO<sub>2</sub> or exceed European limit values for annual, daily or hourly mean. As such, there is no expected significant impact on air quality or climate targets as a result of operational phase of the Works and therefore no mitigation measures were proposed.

#### *Noise and Vibration*

- 2.9. The Applicant carried out a noise and vibration assessment which considered the potential impacts and likely significant effects of noise and vibration during the construction and operational phases of the Works on nearby residential human receptors. The assessment of potential impact of noise and vibrations upon marine ecology receptors is considered in a later section.
- 2.10. Based on the survey undertaken by the Applicant, the applicable noise threshold for the area of the Works was calculated to be 65dB. The Applicant identified that during the construction phase of the Works this baseline threshold would not be exceeded at any of the residual receptor locations and concluded that there is therefore unlikely to be a significant impact.
- 2.11. The Applicant has however committed to applying best practice measures to ensure that the impacts of the acoustics during the construction phase are kept to the lowest possible level. These measures include standard working hours and compliance with the relevant British Standards for noise and vibration. In addition, the Applicant will aim to keep both the Highland Council and affected residents informed of the works being undertaken, in particular if these are to be carried out outwith working hours.
- 2.12. The Applicant also assessed the potential impact of noise and vibration during the operational phase of the Works and concluded that there would be either no change, or a negligible change on the nearest noise sensitive receptors. The Applicant therefore does not propose any specific noise mitigation measures during the operational phase of the Works.

#### *Soils, Geology and Hydrogeology*

- 2.13. To assess the effects on soils, geology and hydrogeology, the Applicant undertook a desk based study based on an extensive review of publicly



available information and intrusive marine and land-based ground investigations.

- 2.14. The effects of both the operational and construction aspects of the Works were found to be neutral and insignificant due to the Works taking place within a reclaimed marine environment. Further, no significant relevant pollutant linkages were identified for any aspect of the Works.
- 2.15. No specific mitigation measures in relation to soils, geology or hydrogeology were therefore proposed by the Applicant.

#### *Coastal Processes*

- 2.16. To assess the effects on coastal processes resulting from the Works and in particular, the dredging aspects of the Works, the Applicant carried out an assessment using computational modelling techniques.
- 2.17. The modelling indicated that the Works were not likely to have a significant impact on either the tidal regime or the wave climate away from the immediate area around the harbour. Further, there was not anticipated to be any significant impacts on the long term sediment transport regime in Thurso Bay or in the Pentland Firth. There is however anticipated to be a temporary increase in the suspended sediment concentrations in the water column around the areas being dredged and the surrounding areas, however the increase is small even at peak expected values and as such, of insignificant impact. Modelling also indicated that sediment disturbed and displaced as a result of either dredging or piling activities would also be of a negligible quantity and therefore the Applicant concluded that there was unlikely to be a significant impact in relation to sediment dispersal.
- 2.18. As no significant impacts on coastal processes as a result of the Works were identified, the Applicant does not consider any mitigation measures are required.

#### *Water Quality*

- 2.19. The key issues in relation to water quality are associated with the physical disturbance in the marine environment throughout the construction phase. In particular the dredging activities could potentially increase concentrations of suspended sediments or result in the dispersal of contaminated sediments and impact on biodiversity, including migrating Atlantic salmon in the area. Additionally, impacts could arise from spilled fuel or oil during both the construction and operational phases. Impacts on marine biodiversity will be considered in a later section.
- 2.20. To assess the impact of the physical disturbances on water quality, the Applicant undertook a review of existing baseline data combined with sediment sampling and chemical analysis of the material to be dredged. The results of the chemical analysis identified instances of chromium, copper and nickel in the sediment to be dredged, however the level of contamination was not significant enough so as to make it unsuitable for deposit at sea. Modelling was undertaken which showed that there was unlikely to be a significant amount of



sediment suspended either in the vicinity of the harbour or at the sea deposit site, where suspension is expected to be highest. No significant impacts on the Thurso Bay bathing waters are anticipated. Based on the low level of contaminants found in the material and the expected lack of sediment to be suspended as a result of the dredging operations, it was concluded that there would be a negligible impact in regards to physical disturbances on water quality and therefore no mitigation measures were proposed by the Applicant.

- 2.21. The Applicant has assessed that, in the absence of any mitigation, the impact of any fuel/oil spillages during either the construction or operational phase of the Works is potentially moderate due to the sensitivity of nearby receptors such as the Thurso Bay bathing waters and River Thurso Special Area of Conservation ("SAC"). However providing the Applicant adheres to pollution prevention measures during the construction phase the likelihood of large spills occurring is extremely low. In addition, the Applicant will adhere to their Oil Spill Contingency Plan during the operational phase of the Works.

#### *Marine Biodiversity*

- 2.22. In order to assess the impacts on marine biodiversity as a result of the Works, the Applicant carried out a marine biodiversity assessment supported by an underwater noise assessment and computational modelling for dredging and deposit of the dredge material. In addition a desktop study was undertaken to characterise the intertidal baseline.
- 2.23. In terms of flora and fauna within the confines of the harbour, the surveys found that the dock walls and other rock areas are likely to host communities of bryozoans, barnacles, mussels, sea squirts and sea anemones, along with seaweed common to the area. Outside of the harbour, communities comprising periwinkles, barnacles, mussels, dog whelks and limpets were found alongside the seaweed common to both areas however no priority marine features were noted. The habitat classification of Thurso Bay indicates that polychaete worms, molluscs and crustaceans are all likely to be found within the vicinity of the Works.
- 2.24. Assessment of the fish communities in the area showed that fish of both commercial and conservational importance were found in close proximity to the harbour. Key fish species likely to be found within and in close proximity to Scrabster Harbour include, sharks, rays and skates, and commercially important species such as herring, sole, mackerel, haddock, plaice and saithe. Basking sharks are likely to be found passing through the waters surrounding Thurso bay, particularly during late summer months. Atlantic salmon, sea trout, sea lamprey and European eel, all migratory species, have the potential to be in the area. The River Thurso SAC has been designated for the Atlantic salmon and Thurso Bay (and the wider area) has been identified as spawning and nursery grounds for species such as plaice, saithe and sandeel. Based on local catch data a number of shellfish can be found within Thurso Bay although the site is not designated as a classified shellfish harvesting site.
- 2.25. In terms of marine mammals, several species have been sighted within the Thurso Bay area. These include the harbour porpoise, bottlenose dolphin,



white-beaked dolphin, Risso's dolphin, killer whale, minke whale, grey seals and harbour seals. All species have been identified as appearing in low densities even during the summer months when sightings are most frequent however the Works are noted to be within foraging distance of the Moray Firth SAC which is designated for bottlenose dolphins.

- 2.26. A number of potential impacts on marine biodiversity associated with the both construction and operational phases have been identified and assessed in the EIA Report including; habitat loss, noise emissions, collision risk, increased sediment suspension, and accidental pollution events.
- 2.27. Reclamation of the land as part of the Works will result in the permanent loss of up to 6,962m<sup>2</sup> of habitat, the EIA Report however considers the effect of this will be negligible. The EIA Report also identifies the potential for other construction works and also the dredging activities to result in some temporary disturbance or loss of habitat. The EIA Report concludes however that given the low abundance and diversity of benthic and shellfish communities, the effects will not be significant.
- 2.28. The EIA Report identifies that the construction and dredging activities will result in suspended sediment in the water column however concludes that this is unlikely to affect benthic habitats, fish or marine mammals due to the low levels modelled and the short anticipated duration of the dredging activities. In addition, it notes that contaminant release from sediments during dredging is unlikely due to the low volume of sediment and levels of contaminants within the sediments.
- 2.29. Noise from dredging, vessels and construction works, in particular piling, has been identified by the Applicant as having the ability to disturb and injure marine mammal or fish species with the vicinity of the Works. The EIA Report identifies the River Thurso SAC is located approximately 2 kilometres to the south east of the Works. It highlights that Thurso Bay, including the vicinity around the Works is heavily used by smolts during the months of April and May and as well as the presence of adult salmon between April and September. It also identifies the Pentland Firth, including Thurso Bay, as supporting a salmon fishery and indicates the area is a hot-spot for returning salmon. The EIA Report identifies that the underwater noise emissions from the Works have the potential to disturb salmon from the SAC as they migrate either from the River Thurso as smolts or from offshore waters to the River Thurso as adults to spawn. To mitigate against impacts of noise emissions from the piling on the smolts the EIA Report includes a restriction, limiting piling activity to daylight hours during April and May, being the most sensitive migration period.
- 2.30. The noise modelling detailed in the EIA Report identified that the thresholds for permanent threshold shift will not be exceeded for mid frequency cetaceans like bottlenose dolphins and so the risk of injury as result of the construction noise is negligible. There is however the potential to disturb bottlenose dolphins as result of construction noise, in particular that arising from piling activities. The EIA Report states that a trained and experienced Marine Mammal Observer or where appropriate PAM operative, will be employed to carry out pre-piling



watches and associated mitigation measures in accordance with the Joint Nature Conservation Committee protocol for minimising the risk of injury to marine mammals from piling noise.

- 2.31. The EIA Report also considers the potential for marine mammals to be impacted by the Works as a result of disturbance, injury or death caused by construction vessels. This risk is considered in the EIA Report as low on the basis of the low vessel speeds and also that the number of vessels during the construction and operational phases is not expected to significantly increase from the baseline. To minimise this risk further the EIA Report states that where possible, all vessels involved in construction will follow the Scottish Marine Wildlife Watching Code.
- 2.32. The impact of an accidental pollution event was identified as low in relation to fish and marine mammal receptors by the Applicant on the basis of them being highly mobile and also as they are likely to detect these pollutants and avoid affected areas. The EIA Report does identify benthic species as more vulnerable to accidental pollution however concludes that the likelihood of large spills is extremely low with pollution prevention measures being employed to minimise the risk and adherence to the Oil Spill Contingency Plan to minimise the impact of any such spill.

*Terrestrial Biodiversity and Ornithology*

- 2.33. The Applicant undertook a terrestrial biodiversity and ornithology assessment, which included breeding bird surveys. The EIA Report identifies the North Caithness Cliffs Special Protection Area ("SPA") as being located approximately 400 metres away from the Works and identifies the potential for nesting and foraging seabirds to being impacted as a result of noise or visual disturbance.
- 2.34. The EIA Report identified the potential for a significant amount of noise to be emitted during the construction phase of the Works. Modelling undertaken to determine the noise emissions during the construction phase predicted levels as low as 50 decibel at the nearest point of the SPA boundary in a worst case scenario where a range of noisy activities were simultaneously occurring. The EIA Report concluded that based on the predicted low level noise emissions together with the screening influence of Queen Elizabeth Pier and the limited sensitivity of the species to construction activity, there will be no significant impacts caused by noise on the qualifying interests of the SPA.
- 2.35. The EIA Report also identified that visual disturbance may be caused as a result of increased vessel traffic, with the potential to impact seabirds by reducing the time spent feeding and resulting in displacement from foraging grounds. The Applicant concluded however that the increase in vessel traffic would be insignificant and would not result in significant disturbance to foraging seabirds.



### 3. Consultation

- 3.1. In accordance with the 2017 MW Regulations advertisement of the Application and EIA Report was made in the local and national press and the application website. Notices were placed in the public domain and the opportunity given for those wishing to make representations to do so.
- 3.2. The dates for the consultation exercises are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken post consent.

Document	Date received	Consultation Period	Publication
EIA Report & Appendices	16 July 2019	15 October 2019 – 17 November 2019	Marine Scotland Information website (10 October 2019)
Marine licence application & supporting documentation			Scrabster Harbour Trust website (15 October 2019) Edinburgh Gazette (15 October 2019) John O'Groats Journal (18 October 2019)

- 3.3. A summary of the responses is set out at sections 4, 5 and 6. The responses are available in full here.

### 4. Summary of statutory consultee responses

- 4.1. The Highland Council responded on 19 November 2019 and advised that the Works are unlikely to result in any significant visual change to the harbour area as a whole.

The Highland Council did however express concern relating to the noise generated by the construction and the impact on nearby residential receptors. The Highland Council recommended a condition stating that prior to Works commencing, a Noise Management Plan covering both construction and operational phases will be provided for the approval of the licensing authority. The plan should cover all noise in general including the impact of night time noise at the operational phase. The Council also recommended submission of a dust suppression scheme to be approved prior to Works commencing. Finally the Council asked that any plant or equipment associated with ventilation, air-conditioning, heating and refrigeration be kept within certain acceptable noise levels in relation to nearby sensitive receptors or, if this was

not possible, that an assessment be undertaken showing that there would be no adverse impact in relation to this equipment.

The Applicant confirmed that the noise management plan and dust suppression scheme will be included with a Construction and Environmental Management Plan ("CEMP") to be submitted to the licensing authority for approval prior to works commencing. The requirement for these plans to be submitted with the CEMP will be secured as a marine licence condition. Furthermore, the Applicant confirmed that no noise generating machinery and equipment as listed in the Council's response will be installed during the Works, thus removing the need for further marine licence conditions.

- 4.2. Scottish Natural Heritage ("SNH") responded on 14 November 2019 advising that the Works would have a likely significant effect on the Atlantic salmon qualifying interest of the River Thurso SAC, the bottlenose dolphin qualifying interest of the Moray Firth SAC and the nesting seabirds qualifying interest of the North Caithness Cliffs SPA.

SNH advised that in addition to the mitigation identified in the EIA Report, soft start piling should be employed at all times (day and night) from 1<sup>st</sup> April to 30<sup>th</sup> September inclusive. SNH advised that providing the Works were undertaken in accordance with this mitigation there would be no adverse effect on the integrity of the River Thurso SAC.

With regards to Moray Firth SAC, SNH advised that the Works would not adversely affect the integrity of the site. SNH noted the commitment in the EIA Report to employ a Marine Mammal Observer ("MMO") and adhere to the Joint Nature Conservation Committee ("JNCC") piling mitigation protocol. SNH also advised that best practice should be followed in relation to dredging and deposit of dredge material and a watch should be undertaken before these activities occur to ensure marine mammals are not near the vessel. SNH advised that in this regard a crew member could undertake the watches. These considerations will be included in the Marine Mammal Management Plan ("MMMP") to be submitted to the licensing authority for approval prior to works commencing.

With regards the North Caithness Cliffs SPA, SNH advised that based on the modelling provided by the Applicant the predicted level of noise emissions during the construction phase would not cause disturbance to the nesting seabirds of the SPA. With regards to visual disturbance SNH advised that the Works were expected to result in a 6% increase in vessel traffic. SNH advised this would not cause significant disturbance to the foraging seabirds of the SPA, providing that vessels follow best practice guidelines at all times, as set out in the Scottish Marine Wildlife Watching Code. SNH concluded that the Works would not adversely affect the integrity of the North Caithness Cliffs SPA.

SNH also advised that a licence to disturb European Protected Species and a licence to disturb basking sharks would be required.



SNH also advised that the Works were unlikely to have a significant effect on the harbour seal qualifying interest of the Sanday SAC or the grey seal qualifying interest of the Farry and Holm of Faray SAC. SNH advised that this was on the basis that the Scrabster sea deposit site is outwith the connectivity range of the qualifying interests of these SACs.

- 4.3. Scottish Environmental Protection Agency ("SEPA") responded on 07 November 2019 referring to their standing advice. SEPA subsequently noted that even though the site is within two kilometres of the Thurso Bay bathing waters, the suspended sediment modelling carried out by the Applicant shows only minor increases to suspended sediment levels during dredging and sea deposit. SEPA advised that therefore that no timing restriction on dredging and sea deposit operations is required, provided real time monitoring is carried out to ensure the levels are as anticipated in the EIA Report. If exceedances occur, the Applicant must cease the dredging operations and notify the licensing authority. This will be secured as a marine licence condition.
- 4.4. Historic Environment Scotland ("HES") responded on 25 October 2018 advising they have no objections to Application. HES advised that the Works are not likely to have any significant adverse impacts on sites within its remit.

## **5. Summary of non-statutory consultee responses**

- 5.1. Royal Yachting Association Scotland had no objections or comments to make in its response dated 24 October 2019.
- 5.2. Royal Society for the Protection of Birds had no objections in its response dated 01 November 2019 and noted the potential impacts on ornithology had been adequately addressed in the EIA Report.
- 5.3. Defence Infrastructure Organisation confirmed in its response dated 12 November 2019 they had no objections or comments to make on the Works.
- 5.4. Transport Scotland responded on 1 November 2019 and advised that in regards to the operational assessment of the impacts of the Works on traffic and transportation they were content.

With regards to the impacts from the construction phase of Works and the assessment completed by the Applicant, Transport Scotland queried the position regarding the number of HGV trips identified for the import of infill material and the disposal of dredge material at landfill.

The Applicant subsequently clarified that the dredge material from the Works was suitable for use as infill and the amount available would be excess of the infill requirement for the construction works. The Applicant noted that the requirement for imported infill would be significantly reduced and consequently so would the HGV movements arising from the construction phase of the Works. In addition, the Applicant that the excess dredge material together with any dredge material unsuitable for reuse will be disposed of at the Scrabster sea deposit site, again reducing the number of HGV movements.



Transport Scotland noted that the construction traffic numbers would now be a peak of 5.83 additional trips per hour over an 11 hour day and therefore 833 HGV trips over the 20 month period. Transport Scotland noted that this would amount to a percentage increase in HGVs of 29.2% and therefore below the threshold identified in the Institute of Environmental Management and Assessment Guidelines for further assessment. Transport Scotland advised that they were satisfied that the Works will not give rise to significant environmental effects associated with increased traffic levels on the trunk road network. Transport Scotland advised that they had no objection to the Works subject to the Applicant submitting a Construction Traffic Management Plan to the licensing authority for approval prior to Works commencing and also the inclusion of a condition in the marine licences requiring vehicle wheel cleansing facilities on site.

- 5.5. Northern Lighthouse Board responded on 21 October 2018 stating no objections and advising that standard lighting and marking conditions should be secured as marine licence conditions.
- 5.6. Maritime Coastguard Agency responded on 20 November 2019 confirming no objections to the Works, subject to all maritime safety legislation being followed and the inclusion of standard conditions in the marine licences.
- 5.7. Scottish Water responded on 19 October 2019 stating no objection to the Works, however noted that their response did not amount to confirmation that the Works will be serviced by Scottish Water. Scottish Water advised the Applicant to contact them to discuss the additional water supply and foul discharge aspects of the Works and to identify any potential conflicts with Scottish Water existing assets. Scottish Water have also stated that they will not accept any surface water connections into its combined sewer systems. The Applicant confirmed on 04 December 2019 that there were no additional water supply or foul discharges associated with the Works and therefore no further action should be needed from either party. Similarly, the Applicant stated that there were no plans as part of the Works to connect to the combined sewer system. The Applicant did note however that there were Scottish Water assets within the existing boundary of the Works. They have therefore obtained surveys of the existing assets and will provide these to any contractors associated with the Works with the requirement to liaise with Scottish Water in order to prevent any damage occurring to existing infrastructure.

## **6. Representations from other organisations or members of the public**

- 6.1. One representation from a member of the public was received on 15 November 2019 which expressed support for the Works.



## **7. Advice from 3rd parties**

- 7.1. The Scottish Ministers sought advice from Marine Scotland Science ("MSS"). MSS advised that there were no significant concerns regarding benthic ecology, coastal processes, marine ornithology or marine fish ecology.
- 7.2. With regards to diadromous fish MSS advised that salmon may not exhibit avoidance behaviour in response to piling and therefore soft start piling may not be completely effective as a mitigation measure. MSS highlighted a particular concern for the smolts as they emigrate in large numbers over a short period and noted the main runs of smolts generally take place from Scottish rivers during the period from 12 April to 24 May. MSS therefore advised that an additional mitigation measure could be to avoid sensitive times of the year when salmon are most likely to be present. MSS also advised that there was the potential for salmon to be disturbed by other types of construction activities associated with the Works. MSS advised that if there was any evidence of distressed, injured or dead salmon observed during construction activities, appropriate action by the Applicant should be taken and this may include a break in the activity.
- 7.3. MSS advised that based on the noise modelling detailed in the EIA Report the thresholds for permanent shift will not be exceeded for mid frequency cetaceans like bottlenose dolphins and so the risk of injury to them as result of the construction noise will be negligible. MSS also advised that with regards to low and high frequency cetaceans the impact ranges for permanent threshold shift are relatively small. MSS advised that on this basis they were content with the Applicant's approach to follow the JNCC piling mitigation protocol, including pre-piling watches and soft-start protocol. MSS advised that they agreed with the conclusion of the EIA Report that the risk of PTS to any marine mammal as a result of exposure to piling noise is negligible.
- 7.4. The advice from MSS will be secured as a marine licence condition including the requirement for the Applicant to submit a MMMP to the licensing authority for approval prior to the Works commencing.

## **8. The Scottish Ministers' considerations and main determinative issues**

- 8.1. The Scottish Ministers, having taken account of all relevant information, consider that the main determining issues are:
  - the extent to which the Works accord with and are supported by Scottish Government policy and the terms of Scotland's National Marine Plan ("NMP"); and
  - the significant effects of the Works on the environment, which, in summary are impacts on marine mammals, impacts on diadromous fish, impacts of traffic and transportation and ornithological impacts.



*Policy Context*

- 8.2. As the Works are proposed to take place within the Scottish marine area they are subject to the Marine (Scotland) Act 2010 ("the 2010 Act"). The NMP covering inshore waters is a requirement of the 2010 Act. The NMP lays out the Scottish Ministers' policies for the sustainable development of Scotland's seas and provides General Planning Principles, and sector specific objectives and policies, which were considered as part of the licensing process.

*Environmental Matters*

- 8.3. The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

*Possible Effects on European Protected Sites and Ornithological, Diadromous Fish and Marine Mammal Impacts*

- 8.4. The Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) ("the 1994 Habitats Regulations") require the Scottish Ministers to consider whether the works would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the 1994 Habitats Regulations.
- 8.5. Owing to the view of SNH that the Works are likely to have a significant effect on the qualifying interests of River Thurso SAC, Moray Firth SAC and North Caithness Cliffs SPA, MS-LOT, on behalf of the Scottish Ministers, as the "competent authority", were required to carry out an Appropriate Assessment ("AA"). Having had regard to the representations made by SNH, it can be ascertained that the Works will not adversely affect the integrity of any SAC or SPA providing the Applicant adheres to the conditions set out in the AA. Having determined that the Works will not adversely affect the integrity of the sites, and having regard to the reasons for which they were designated and the associated conservation objectives, MS-LOT concludes that the Works will not, on its own or in combination with other projects, adversely affect the integrity of River Thurso SAC, Moray Firth SAC, and North Caithness Cliffs SPA.
- 8.6. A full explanation of the issues and justification for decisions regarding site integrity is provided in the AA ([available here](#)).
- 8.7. The Scottish Ministers are content that any significant ornithological, diadromous fish and marine mammal impacts will be appropriately mitigated providing the Applicant adheres to the conditions set out in the AA and marine licences.

*Possible Effects on Transportation*

- 8.8. The Scottish Ministers are content that there will not be significant environmental effects associated with increased traffic levels either during the



construction or operational phases of the Works. Furthermore the Scottish Ministers are satisfied that the submission of a Construction Traffic Management Plan, prior to works commencing will mitigate against the increases to traffic levels on the trunk road network during the construction phase. Appropriate conditions will be included in the marine licences..

## **9. The Scottish Ministers' Determination and Reasoned Conclusion**

- 9.1. The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the Application have been followed.
- 9.2. The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated. The Scottish Ministers have undertaken this exercise in the context of national and local policies.
- 9.3. The Scottish Ministers have considered the extent to which the Works accord with and are supported by Scottish Government policy, the terms of the NMP and the environmental impacts of the Works. In particular the Scottish Ministers have considered the impacts upon River Thurso SAC, Moray Firth SAC, and North Caithness Cliffs SPA, impacts on marine mammals and diadromous fish and impacts on ornithology and traffic.
- 9.4. The Scottish Ministers are satisfied that the environmental issues associated with the Works have been appropriately addressed by way of the design of the Works and mitigation. In particular, the Scottish Ministers are satisfied that the Works will not adversely affect the integrity of the River Thurso SAC, the Moray Firth SAC or the North Caithness Cliffs SPA. The Scottish Ministers consider it likely that the licensing tests in respect of an European Protected Species disturbance application and basking shark disturbance application by the Applicant will be met.
- 9.5. The Scottish Ministers have had regard to the requirements of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
- 9.6. In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the marine licences to reduce environmental impacts. These include the submission of a MMMP and a CEMP to include a noise management plan, construction traffic management plan and a dust management plan.
- 9.7. The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion is still up to date.
- 9.8. The Scottish Ministers **grant marine licences subject to conditions** under Part 4 of the Marine (Scotland) Act 2010 for construction, dredging and deposit of dredged substances or objects associated with the redevelopment of St. Ola Pier, Scrabster. The marine licences are attached at Appendix 2.



- 9.9. In accordance with the 2017 MW Regulations, the Applicant must publicise notice of this determination and how a copy of this decision letter may be inspected on the [application website](#), in the Edinburgh Gazette and a newspaper circulating in the locality to which the Application relates is situated. The Applicant must provide copies of the public notices to the Scottish Ministers.
- 9.10. Copies of this decision notice have been sent to the bodies consulted on the Application including the relevant planning authority, SNH, SEPA and HES. This decision notice has also been published on the [Marine Scotland Information website](#).
- 9.11. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the [website of the Scottish Courts](#). Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

[Redacted]

**Daniel Pendrey**

Business and Operational Delivery Section Leader, Marine Scotland Licensing Operations Team

A member of the staff of the Scottish Ministers

19 February 2020



[illegible]







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

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**LICENCE TO CONSTRUCT, ALTER OR IMPROVE ANY WORKS WITHIN THE SCOTTISH  
MARINE AREA**

Licence Number: 07075/20/0

Reference Number: 07075

Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Scrabster Harbour Trust  
Scrabster Harbour  
Thurso  
Caithness  
KW14 7UJ**

to construct, alter or improve works as described in Part 2 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 3 of the said Schedule.

The licence shall be valid from **19 February 2020 until 30 June 2021.**

Signed:

**[Redacted]**

Daniel Pendrey

For and on behalf of the licensing authority

Date: 19 February 2020

## **1. PART 1 – GENERAL**

### **1.1. Interpretation**

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010:

- a) "the 2010 Act" means the Marine (Scotland) Act 2010
- b) "licensable marine activity" means any activity listed in section 21 of the 2010 Act
- c) "licensee" means the recipient of the licence
- d) "the licensing authority" means the Scottish Ministers
- e) "mean high water springs" means the average of high water heights occurring at the time of spring tides
- f) "seabed" means the ground under the sea

All geographical co-ordinates contained within this licence are in latitude and longitude format WGS84.

### **1.2. Contacts**

All correspondence or communications relating to this licence should be addressed to:

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

Tel: +44 (0) 300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

### **1.3. Other authorisations and consents**

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed operations. The issuing of this licence does not absolve the licensee from obtaining such other authorisations and consents which may be required under statute.

### **1.4. Variation, suspension, revocation and transfer**

Under section 30 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, vary this licence if satisfied that the variation being applied for is not material.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this licence from the licensee to another person.

### **1.5. Breach of requirement for, or conditions of, licence**



Under section 39 of the 2010 Act it is an offence to carry on a licensable marine activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

#### **1.6. Defences: actions taken in an emergency**

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that the activity was carried out for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure ('*force majeure*') and that the person took steps within a reasonable time to provide full details of the matter to the licensing authority as set out in section 40(2) of the 2010 Act.

#### **1.7. Offences relating to information**

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or by this licence.

#### **1.8. Appeals**

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.

## **2. PART 2 - PARTICULARS**

### **2.1. Name(s) and address(es) of any other agents acting on behalf of licensee:**

RPS  
Elmwood House  
74 Boucher Road  
Belfast  
BT12 6RZ

### **2.2. Name(s) and address(es) of any contractors or sub-contractors acting on behalf of licensee:**

As per Annex Two

See condition 3.1.2

### **2.3. Location of the works (hereinafter referred to as "the site"):**

Scrabster Harbour within the area bounded by joining the points:

58° 36.672' N	003° 32.885' W
58° 36.705' N	003° 32.833' W
58° 36.718' N	003° 32.843' W
58° 36.730' N	003° 32.802' W
58° 36.748' N	003° 32.722' W
58° 36.766' N	003° 32.730' W
58° 36.773' N	003° 32.709' W
58° 36.807' N	003° 32.589' W
58° 36.823' N	003° 32.503' W
58° 36.863' N	003° 32.405' W
58° 36.842' N	003° 32.385' W
58° 36.822' N	003° 32.432' W
58° 36.710' N	003° 32.429' W
58° 36.636' N	003° 32.441' W
58° 36.525' N	003° 32.351' W
58° 36.564' N	003° 32.673' W
58° 36.663' N	003° 32.752' W
58° 36.661' N	003° 32.852' W

As shown in Annex One.

### **2.4. Description of the works:**

St. Ola Pier upgrade including: pier reconstruction and extension, construction of rock armour and land reclamation.

As described in application dated 16 July 2019, and correspondence submitted in support of the application.



SCHEDULE TO LICENCE NUMBER: 07075/20/0

DATED: 19 February 2020

**2.5. Nature and indicative quantity of materials used below Mean High Water Springs level in the construction, alteration or improvement of the works described in Part 1.3 of the licence:**

Steel (tubular and sheet piles), 6,500 tonne  
Concrete backfill to fuel pipeline, 700 tonne  
Tie rods, 110 no  
Deck reinforcement, 1,925 tonne  
Quay furniture, 38 no  
0.4m diameter pipe, 180 m  
Geotextile, 14,000 m<sup>2</sup>  
Rock armour stone, 20,000 tonne  
Imported infill material, 30,000m<sup>3</sup>  
Dredge material infill, 172,000m<sup>3</sup>

### **3. PART 3 – CONDITIONS**

#### **3.1. General conditions**

##### **3.1.1. Licence conditions binding other parties**

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the works for which this licence has been granted in relation to those licensed activities authorised under item 5 in section 21(1) of the 2010 Act whether or not this licence has been transferred to that person.

##### **3.1.2. Agents, contractors, sub-contractors and vessels**

The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to any agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the works for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

##### **3.1.3. Force Majeure**

If by any reason of force majeure any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). Force majeure may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report force majeure incidents to the Convention Commission.

##### **3.1.4. Material alterations to the licence application**



The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

### **3.1.5. Submission of reports to the licensing authority**

Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data may, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

### **3.1.6. Environmental protection**

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence and ensure that the works are maintained at all times in good repair.

The licensee must ensure that any unauthorised debris or waste materials arising during the course of the works are removed from the site of the works for disposal at an approved location above the tidal level of Mean High Water Springs.

The licensee must ensure that only materials listed in Part 2 of the licence are used during the works and that all substances and materials used during the execution of the works are inert (or appropriately coated or protected so as to be rendered inert) and do not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the works.

### **3.1.7. Availability of the licence for inspection**

The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the works; and
- d) any onshore premises directly associated with the licensed activities.

### **3.1.8. Inspection of the works**

Any persons authorised by the licensing authority, must be permitted to inspect the works at any reasonable time.

### **3.1.9. Safety of Navigation**

The licensee must remove the works from below the level of Mean High Water Springs, or such alterations made, within one month of notice being given by the licensing authority at any time it is considered necessary or advisable for the safety of navigation, and not replaced without further consent by the licensing authority. The licensee shall be liable for any expense incurred.

The licensee must contact the Norther Lighthouse Board about requirements for any temporary Aid to Navigation used during construction.

### **3.2. Prior to commencement of the works**

- 3.2.1.** The licensee must, no later than 7 days prior to commencement of the works, notify the licensing authority of the proposed start date of the works.
- 3.2.2.** The licensee must issue a Notice to Mariners prior to works commencing, clearly stating the nature and duration of the operations.
- 3.2.3.** The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre is made aware of the works prior to commencement.
- 3.2.4.** The licensee must complete and submit a Proposed Activity Form in the online Marine Noise Registry for all licensable marine activities that will produce loud, low to medium frequency (10Hz-10kHz) impulsive noise no later than 7 days prior to commencement of the licensable marine activity. If any aspects of the licensable marine activities differ from the Proposed Activity Form in the online Marine Noise Registry, the licensee must complete and submit a new Proposed Activity Form no later than 7 days prior to commencement of the licensable marine activity.
- 3.2.5.** The licensee must ensure that the works are carried out in accordance with a Construction Environmental Management Plan ("CEMP") which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the works or at such a time as agreed with the licensing authority. It is not permissible for the works to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The CEMP must include a noise management plan, a traffic management plan and a dust management plan. The traffic management plan must include consideration of vehicle wheel cleansing facilities.
- 3.2.6.** The licensee must ensure that the works are carried out in accordance with a Marine Mammal Management Plan ("MMMP") which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the works or at such a time as agreed with the licensing authority. It is not permissible for the works to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the MMMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their



written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include, but not be limited to, the employment of a Marine Mammal Observer ("MMO").

### **3.3. During the works**

- 3.3.1.** The licensee must complete and submit a Close-out Report for the licensable marine activities that produced loud, low to medium frequency (10Hz-10kHz) impulsive noise in the online Marine Noise Registry at 6 month intervals during the validity of the licence.
- 3.3.2.** No piling operations must take place between the dates of 12 April and 24 May inclusive. If piling is required between 12 April and 24 May, a separate approval must be sought from the licensing authority.
- 3.3.3.** Subject to the restriction detailed in condition 3.3.2 any piling during the months of April and May must only be carried on during daylight hours.
- 3.3.4.** If any distressed, injured or dead diadromous fish are observed during the works, the licensee must inform the licensing authority within 24 hours.
- 3.3.5.** Soft-start piling must be employed at all times (day and night) between the months of April and September inclusive.
- 3.3.6.** The licensee must ensure that all vessels adhere to the best practice guidelines as set out in the Scottish Marine Wildlife Watching Code at all times.
- 3.3.7.** The licensee must ensure appropriate steps are taken to minimise damage to the foreshore and seabed by the works.
- 3.3.8.** The licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the works.
- 3.3.9.** The licensee must ensure suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
- 3.3.10.** The licensee must ensure that the works are marked and/or lighted as required by the Northern Lighthouse Board and the marking to be continued unless and until the licensing authority rescind this direction. If it is desired to display any marks or lights not required by the licence then details must be submitted to the Northern Lighthouse Board and their ruling complied with. The display of unauthorised marks or lights is prohibited.
- 3.3.11.** The licensee must ensure that a navigation light is installed at the end of the refurbished pier and displays the same character as the navigation light that is to be replaced (Q (2). G. 6s).
- 3.3.12.** The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written approval of the licensing authority.

**3.3.13.** In the event of the licensed activities being discontinued the works must be removed and the site cleared to the satisfaction of the licensing authority.

**3.3.14.** If in the opinion of the licensing authority the assistance of a Government Department, including the broadcast of navigational warnings, is required to deal with any emergency arising from:

- a) The failure to mark and light the works as required by licence.
- b) The maintenance of the works.
- c) The drifting or wreck of the works.

The licensee shall be liable for any expenses incurred in securing such assistance.

**3.4. On completion of the works**

**3.4.1.** The licensee must, within 7 days of completion of the works, notify the licensing authority of the date of completion of the works.

**3.4.2.** The licensee must submit a written report regarding the materials used during the works to the licensing authority. The written report must be submitted on completion of the works and on the forms provided by the licensing authority no later than 31 October 2022.

**3.4.3.** The licensee must notify Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (e-mail: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 484444) of both progress and on completion of the works supply a copy of the licence, and wherever possible, 'as built plans', in order that all necessary amendments to nautical publications are made.

**3.4.4.** The licensee must ensure the foreshore and seabed are returned to the original profile, or as close as reasonably practicable, following the completion of the works.



## NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the licensing authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the licensing authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-East Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).
5. All correspondence or communications relating to the licence should be addressed to:

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

Tel: +44 (0)300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE TO CARRY OUT ANY FORM OF DREDGING WITHIN THE SCOTTISH MARINE AREA AND TO DEPOSIT ANY SUBSTANCE OR OBJECT WITHIN THE SCOTTISH MARINE AREA

Licence Number: 07076/20/0

Reference Number: 07076

The Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

**Scrabster Harbour Trust  
Scrabster Harbour  
Thurso  
Caithness  
KW14 7UJ**

to carry out dredging and to deposit in the sea the substances or objects particulars of which are described in Part 2 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 3 of the said Schedule.

This licence shall be valid from **19 February 2020** until **30 June 2021**.

Signed: **[Redacted]**  
Daniel Pendrey

For and on behalf of the licensing authority

Date: 19 February 2020



## **1. PART 1 – GENERAL**

### **1.1. Interpretation**

In this licence, unless otherwise stated, terms are as defined in sections 1, 64 and 157 of the Marine (Scotland) Act 2010:

- a) "the 2010 Act" means the Marine (Scotland) Act 2010
- b) "licensable marine activity" means any activity listed in section 21 of the 2010 Act
- c) "licensee" means the recipient of the licence
- d) "the licensing authority" means the Scottish Ministers
- e) "mean high water springs" means the average of high water heights occurring at the time of spring tides
- f) "seabed" means the ground under the sea

All geographical co-ordinates contained within this licence are in latitude and longitude format WGS84.

### **1.2. Contacts**

All correspondence or communications relating to this licence should be addressed to:

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

Tel: +44 (0) 300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

### **1.3. Other authorisations and consents**

The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to the carrying out of the licensed activities. The issuing of this licence does not absolve the licensee from obtaining such other authorisations and consents which may be required under statute.

### **1.4. Variation, suspension, revocation and transfer**

Under section 30 of the 2010 Act the licensing authority may by notice vary, suspend or revoke this licence granted by them if it appears to the licensing authority that there has been a breach of any of the provisions of this licence or for any such other reason that appears to be relevant to the authority under section 30(2) or (3) of the 2010 Act.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, vary this licence if satisfied that the variation being applied for is not material.

Under section 30 of the 2010 Act the licensing authority may on an application made by the licensee, transfer this licence from the licensee to another person.

### **1.5. Breach of requirement for, or conditions of, licence**

Under section 39 of the 2010 Act it is an offence to carry on a licensable marine activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

### **1.6. Defences: actions taken in an emergency**

Under section 40 of the 2010 Act it is a defence for a person charged with an offence under section 39(1) of the 2010 Act in relation to any activity to prove that the activity was carried out for the purpose of saving life or for the purpose of securing the safety of a vessel, aircraft or marine structure ('*force majeure*') and that the person took steps within a reasonable time to provide full details of the matter to the licensing authority as set out in section 40(2) of the 2010 Act.

### **1.7. Offences relating to information**

Under section 42 of the 2010 Act it is an offence for a person to make a statement which is false or misleading in a material way, either knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2010 Act or by this licence.

### **1.8. Appeals**

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to the sheriff of any sheriffdom against a decision taken by the Scottish Ministers under section 29(1) of the 2010 Act.



## **2. PART 2 - PARTICULARS**

### **2.1. Name and address of the producer of the substances or objects:**

As per licensee.

### **2.2. Name(s) and address(es) of any other agents acting on behalf of licensee:**

RPS  
Elmwood House  
74 Boucher Road  
Belfast  
BT12 6RZ

### **2.3. Name(s) and address(es) of any contractors or sub-contractors acting on behalf of licensee:**

As per Annex Two

See condition 3.1.1

### **2.4. Name(s) of vessel(s) to be employed to undertake the activities authorised by the licence:**

As per Annex Two

See condition 3.1.2

The vessels employed must be so constructed and equipped as to be capable of the proper performance of the activities in compliance with the conditions set out in the Schedule.

### **2.5. Place of production of the dredge material:**

Scrabster Harbour within the area bounded by joining the following points:

#### Dredge Area A

58° 36.729' N	003° 32.675' W
58° 36.773' N	003° 32.479' W
58° 36.710' N	003° 32.429' W
58° 36.636' N	004° 32.441' W
58° 36.537' N	003° 32.361' W
58° 36.561' N	003° 32.556' W
58° 36.602' N	003° 32.590' W

#### Dredge Area B

58° 36.583' N	003° 32.677' W
58° 36.599' N	003° 32.605' W
58° 36.715' N	003° 32.699' W
58° 36.700' N	003° 32.770' W

As shown in Annex One.

**2.6. Description of the licensable marine activities and composition of the substances or objects:**

Capital dredging of 172,000 m<sup>3</sup> of material and deposit of dredged substances or objects from dredge areas A and B in Scrabster Harbour to the Scrabster Extension (FI008) authorised dredge material deposit area to facilitate the St. Ola Pier refurbishment. The licensable marine activities include:

- Dredging of 157,200 m<sup>3</sup> of predominantly sandy material from Area A (Outer Berth) to increase the depth to -9m chart datum
- Dredging of 14,800 m<sup>3</sup> of predominantly sandy material from Area B (Inner Berth) to increase the depth to -7.5m chart datum
- Deposit of dredge material at the Scrabster Extension (FI008) authorised dredge material deposit area
- Use of dredge material on site as pier infill or to reclaim land

As described in application dated 16 July 2019, and correspondence submitted in support of the application.

**2.7. Maximum quantity of capital dredge substances or objects to be deposited at authorised dredge material deposit area FI008 – Scrabster Extension:**

62,000 m<sup>3</sup>

**2.8. Quantity of capital dredge substances or objects to be deposited for land reclamation purposes or as infill:**

172,000 m<sup>3</sup> less any dredge material deposited at Scrabster Extension dredge spoil deposit area as per point 2.7 above.



### **3. PART 3 – CONDITIONS**

#### **3.1. General conditions**

##### **3.1.1. Agents, contractors and sub-contractors**

The licensee must provide, as soon as is reasonably practicable prior to the licensed activities commencing, the name and function of any agent, contractor or sub-contractor appointed to undertake the licensed activities.

Any changes to the supplied details must be notified to the licensing authority, in writing, prior to any agent, contractor or sub-contractor undertaking any licensed activity.

The licensee must ensure that only those agents, contractors or sub-contractors notified to the licensing authority are permitted to undertake the licensed activities.

The licensee must give a copy of this licence and any subsequent variations that have been made to this licence in accordance with section 30 of the 2010 Act to the Master(s) of the vessel(s) employed to undertake the operations with a copy of the licence and any additional agent, contractor or sub-contractor appointed to carry out any part, or all, of the licensed activities. The licensee must satisfy themselves that any such agent, contractor or sub-contractor is aware of the extent of the licensable marine activity for which this licence has been granted, the activity which is licensed and the terms of the conditions attached to this licence.

##### **3.1.2. Vessels**

The licensee must submit full details of the vessels to be utilised in respect of the licensable marine activity, and their anticipated movements, to the licensing authority no later than one month, or at such a time as agreed with the licensing authority, prior to the commencement of the licensable marine activity. The vessel details provided must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licensee must ensure that a copy of this licence and any subsequent variations made to it in accordance with section 30 of the 2010 Act have been read and understood by the masters of any vessels being used to carry on any licensed activity under this licence, and that a copy of this licence is held on board any such vessel.

##### **3.1.3. Licence conditions binding other parties**

All conditions attached to this licence bind any person who for the time being owns, occupies or enjoys any use of the licensable marine activity for which this licence has been granted whether or not this licence has been transferred to that person.

##### **3.1.4. Force Majeure**

If by any reason of *force majeure* any substance or object is deposited other than at the site which is described in this licence, then the licensee must notify the licensing authority of the full details of the circumstances of the deposit within 48 hours of the incident occurring (failing which as soon as reasonably practicable after that period of 48 hours has elapsed). *Force majeure* may be deemed to apply when, due to stress of weather or any other cause, the master of a

vessel, vehicle or marine structure determines that it is necessary to deposit the substance or object other than at the specified site because the safety of human life or, as the case may be, the vessel, vehicle or marine structure is threatened. Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report *force majeure* incidents to the Convention Commission.

### **3.1.5. Material alterations to the licence application**

The licensee must, where any information upon which the granting of this licence was based has, after the granting of the licence, altered in any material respect, notify the licensing authority of this fact, in writing, as soon as is practicable.

### **3.1.6. Submission of reports to the licensing authority**

Where it would appear to the licensee that there may be a delay in the submission of the reports, studies or surveys to the licensing authority then the licensee must advise the licensing authority of this fact as soon as is practicable and no later than the time by which those reports, studies or surveys ought to have been submitted to the authority under the terms of this licence.

The reports, studies and surveys must include executive summaries, assessments and conclusions and any data may, subject to any rules permitting non-disclosure, be made publically available by the licensing authority, or by any such party appointed, at their discretion.

### **3.1.7. Environmental protection**

The licensee must ensure that all reasonable, appropriate and practicable steps are taken at all times to minimise damage to the Scottish marine area caused by the licensed activity authorised under this licence.

The licensee must ensure that any unauthorised debris or waste materials not listed in Part 2 of the licence arising during the course of the licensable marine activity are removed from the site of the licensable marine activity for disposal at an approved location above the tidal level of Mean High Water Springs.

The licensee must ensure that the risk of transferring non-native species to and from the site is kept to a minimum by ensuring appropriate bio-fouling management practices are implemented during the licensable marine activity.

### **3.1.8. Availability of the licence for inspection**

The licensee must ensure that copies of the licence are available for inspection by any persons authorised by the licensing authority at:

- a) the premises of the licensee;
- b) the premises of any agent, contractor or sub-contractor acting on behalf of the licensee;
- c) the site of the licensable marine activity;
- d) onboard any vessel carrying out licensable marine activity and
- e) any onshore premises directly associated with the licensed activities.



**3.1.9. Inspection of the licensable marine activity**

Any persons authorised by the licensing authority, must be permitted to inspect the licensable marine activity or the site of licensable marine activity at any reasonable time.

**3.2. Prior to commencement of the licensable marine activity**

**3.2.1.** The licensee must, no later than seven days prior to commencement of the licensable marine activity, notify the licensing authority of the proposed start date of the licensable marine activity.

**3.2.2.** The licensee must ensure that HM Coastguard, in this case [nmoccontroller@hmcg.gov.uk](mailto:nmoccontroller@hmcg.gov.uk), The National Maritime Operations Centre, is made aware of the licensable marine activity prior to commencement.

**3.1.1.** The licensee must ensure that the licensable marine activities are carried out in accordance with a Construction Environmental Management Plan ("CEMP") which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the licensable marine activity commencing or at such a time as agreed with the licensing authority. It is not permissible for the licensable marine activity to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the CEMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any licensable marine activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The CEMP must include a noise management plan, a traffic management plan and a dust management plan. The traffic management plan must include consideration of vehicle wheel cleansing facilities.

**3.1.2.** Dredging or deposit of dredged substances or objects may only take place during the Bathing Water Season, between 1 June and 15 September inclusive, if the licensee ensures real time suspended sediment monitoring is in place. If the suspended sediment levels exceed the levels detailed in the Environmental Impact Assessment report, the dredging and deposit of dredged substances or objects must immediately cease and the licensing authority must be notified.

**3.1.3.** The licensee must ensure that the licensable marine activities are carried out in accordance with a Marine Mammal Management Plan ("MMMP") which the licensee must submit, in writing, to the licensing authority for their written approval, no later than two months prior to the licensable marine activity or at such a time as agreed with the licensing authority. It is not permissible for the licensable marine activity to proceed prior to the granting of such approval. In the event that the licensee wishes to update or amend any of the protocols in the MMMP, the licensee must submit, in writing, details of proposed updates or amendments to the licensing authority for their written approval, no later than one month or at such a time as agreed with the licensing authority, prior to the planned implementation of the proposed updates or amendments. It is not permissible for any licensable marine activity associated with the proposed updates or amendments to proceed prior to the granting of such approvals. The MMMP must include, but not be limited to, the employment of a Marine Mammal Observer ("MMO").

**3.3. During the licensable marine activity**

- 3.3.1. The licensee must ensure that no deviation from the schedule specified in the licence is made without the further written consent of the licensing authority.
- 3.3.2. Only those substances or objects described in Part 2 of the Schedule shall be deposited under authority of the licence. Any unauthorised materials associated with the substances or objects scheduled for deposit, including debris such as demolition waste, wood, scrap metal, tyres and synthetic materials, must be disposed of on land at an approved location above the tidal level of MHWS.
- 3.3.3. The licensee must deposit the dredged substances and objects in the following area:

Deposit Area Name and Code: Scrabster Extension, FI008

Within the area bounded by joining the points:

58° 38.22' N	003° 29.82' W
58° 38.10' N	003° 29.44' W
58° 38.03' N	003° 29.54' W
58° 38.15' N	003° 29.91' W

Up to a maximum of 62,000 m<sup>3</sup> may be deposited within the area during the period of validity of this licence.

All tanks/hopper washings must be deposited in the deposit site.

- 3.3.4. The method of dredge spoil deposit for disposal purposes shall be:

**BOTTOM DUMPING**

- 3.3.5. The licensee must ensure that a log of operations is maintained on each vessel employed to undertake the dredge spoil disposal operations. The log(s) must be kept onboard the vessel(s) throughout the disposal operations, and be available for inspection by any persons authorised by the licensing authority. The log(s) must be retained for a period of six calendar months following expiry of the licence, and copies of the log(s) may be requested during that period for inspection by the licensing authority.

The log(s) must record in English the following information:

- the name of the vessel;
- the nature and quantity of each substance or object loaded for disposal;
- the date and time of departure from port, and the date and time of arrival at the disposal area(s), on each occasion that the vessel proceeds to the disposal area(s);
- the date, time and position of commencement, and the date, time and position of completion, of each disposal operation;
- the course(s) and speed(s) throughout each disposal operation. (Multiple changes may be recorded as "various");
- the weather, including wind strength and direction, sea-state and tidal set throughout each disposal operation;



- g) the rate of discharge during each disposal operation, if appropriate, and the duration of each disposal operation. (If the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);
- h) comments on the disposal operations, including any explanations for delays in the disposal operations;
- i) the signature of the Master at the foot of each page of the record.

**3.3.6.** The licensee must ensure that all vessels adhere to the best practice guidelines as set out in the Scottish Marine Wildlife Watching Code at all times.

**3.3.7.** If any distressed, injured or dead diadromous fish are observed during the licensable marine activity, the licensee must inform the licensing authority within 24 hours.

**3.4. On completion of the licensable marine activity**

**3.4.1.** The licensee must, within seven days of completion of the licensable marine activity, notify the licensing authority of the date of completion of the licensable marine activity.

**3.4.2.** The licensee must submit written reports to the licensing authority stating the nature and total quantity, in cubic metres, of all substances or materials deposited of under authority of the licence. The written reports must be submitted to the licensing authority annually and on the forms provided by the licensing authority.

**3.4.3.** The licensee must, within 28 days of completion of the licensable marine activity, supply Source Data Receipt, The Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk); tel.: 01823 337900) with the revised water depths, in order that all necessary amendments to nautical publications are made. The licensee must notify the licensing authority of the notification at the time it is made.

## NOTES

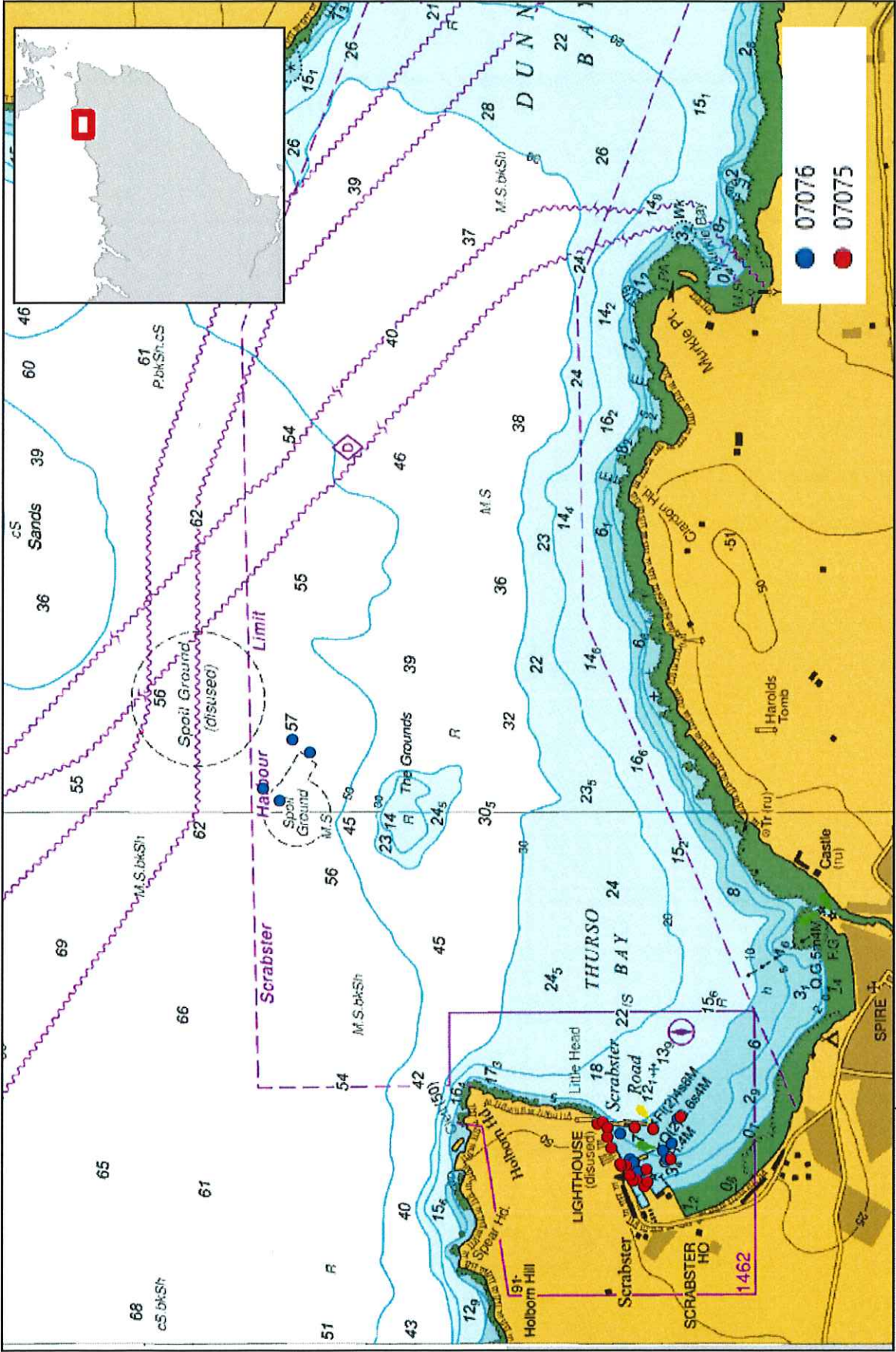
1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.
3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.
4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).
5. All correspondence or communications relating to the licence should be addressed to:

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

Tel: +44 (0)300 244 5046  
Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)



Annex One to Licences 07075 and 07076  
Chart showing location of the licensed activities



## ANNEX TWO

Contractors and vessels authorised to be used for construction works, dredging and deposit of substances or objects at licensed **Scrabster Harbour Trust** locations

Licence Number:

07075/20/0  
07076/20/0

Expiry Date:

30 June 2021  
30 June 2021

### Contractors:

*To be confirmed*

### Vessels

Vessel Name	IMO	Flag
-------------	-----	------

*To be confirmed*

The agent or licensee must notify the licensing authority as soon as reasonably practicable if a vessel or contractor not listed on the annex two is to be used for any construction works, capital dredging or the deposit of substances or objects. The information required by the licensing authority regarding any contractor(s) and vessel(s) is listed in Part 3 of the associated licences.

Signed:

**[Redacted]**  
Daniel Fenley

For and on behalf of the licensing authority

Date:

19 February 2020





## Appendix 3 – Consultation Responses





## MacLeod N (Neil) (MARLAB)

---

**From:** DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>  
**Sent:** 12 November 2019 12:19  
**To:** MS Marine Licensing  
**Subject:** RE: 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso-DIO 100438959-O

Good Afternoon Marc,

Further to your e-mail below and after our investigation, I can confirm that the MOD has No Objection regarding this activity in the locations specified. I hope this information is sufficient for your purposes.

Regards

### Michael Billings

Assistant Safeguarding Manager  
Estates – Safeguarding

**Defence  
Infrastructure  
Organisation**

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Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

Please use mobile no. only from 25th Mar onwards. Landline nos. will cease operating

Tel: 0121 311 2025 – Mob: 07970171283 | Email: [michael.billings950@mod.gov.uk](mailto:michael.billings950@mod.gov.uk)

Website: [www.gov.uk/dio/](http://www.gov.uk/dio/) | Twitter: @mod\_dio

Read DIO's blog: <https://insidedio.blog.gov.uk/>



Defence Infrastructure Organisation

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

**Sent:** 15 October 2019 16:13

**To:** north@snh.gov.uk; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; brian@asfb.org.uk; rmerrylees@ukchamberofshipping.com; RCarrington@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>; soctland-eia.scoping-opinions@hse.gov.uk; hmconsultations@hes.scot; maddox.iain@gmail.com; eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Karl.Zaczek@transport.gov.scot; chair@caithnesswestcc.co.uk; secretary@caithnesswestcc.co.uk; thursocc@hotmail.co.uk; FO.Scrabster@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; cdsfb@outlook.com; planningconsultations@scottishwater.co.uk; info@northlinkferries.co.uk; david.mchardie@cmassets.co.uk

**Cc:** alastair.mckinley@rpsgroup.com

**Subject:** 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso - Consultation - Response required by 17 November 2019



Dear Sir/Madam,

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

07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed St. Ola Pier development project, Scrabster, Thurso. An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The construction and dredging licence applications, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/st-ola-pier-redevelopment-scrabster>

Please forward your comments on these proposals via electronic communication to [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot) or as a hard copy to the address detailed below by date (30 days).

Kind Regards,  
Marc

**Marine Scotland** - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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

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ALBA

By email to:  
[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Marine Scotland (Aberdeen Office)  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[Urszula.Szupszynska@hes.scot](mailto:Urszula.Szupszynska@hes.scot)  
T: 0131 668 8653

Our case ID: 300026302  
Your ref: 07075/07076

13 November 2019

Dear Sir/ Madam

Marine (Scotland) Act 2010 Part 4 Marine Licensing  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso  
(EIA Report)

Thank you for your e-mail consultation of 15 October 2019 requesting our comments on this Marine License application.

We consider that the proposals are unlikely to have significant adverse impacts on sites within our remit. On this basis, we are content that the Cultural Heritage Topic area has been scoped out of the EIA process. Finally, I can confirm do not wish to object and we have no further comments to make on the proposals.

Yours faithfully

**Historic Environment Scotland**



## Duffin H (Hannah)

---

**From:** MacLeod N (Neil) (MARLAB)  
**Sent:** 19 November 2019 15:52  
**To:** Makela A (Anni)  
**Subject:** FW: Marine Licence application: St. Ola pier redevelopment, Scrabster (07075/07076) - consultation

Hi Anni,

Here is the Highland Council response in regards to Scrabster.

I'll catch you to speak about it shortly.

Thanks,

Neil

**From:** Mark Harvey <Mark.Harvey@highland.gov.uk>  
**Sent:** 19 November 2019 15:47  
**To:** MacLeod N (Neil) (MARLAB) <Neil.MacLeod3@gov.scot>  
**Cc:** 'sheila.doull@scrabster.co.uk' <sheila.doull@scrabster.co.uk>; 'alastair.mckinley@rspgroup.com' <alastair.mckinley@rspgroup.com>  
**Subject:** Marine Licence application: St. Ola pier redevelopment, Scrabster (07075/07076) - consultation

Dear Neil

Many apologies for the delay in providing this response.

I have examined the submitted documents and focussed on those matters of relevance to the Highland Council its role as local planning authority.

Consequently, I am satisfied that the transport and traffic impacts have been assessed appropriately by Transport Scotland and that issues of marine ecology can be properly considered as part of the marine licensing process in consultation with SNH, SEPA and other bodies.

In terms of visual amenity, the proposal is considered unlikely to result in any significant overall material visual change to the harbour area as a whole.

The one aspect where the authority has some concern is in respect of construction noise which will inevitably have some impact on the nearest residential properties for a period of time. Although the separation distances in this case are greater (250m – 500m), consultation responses received from my environmental health colleagues in respect of the Uig project on Skye are pertinent.

In that case they made the following suggestions for conditions to cover the issue of both construction and operational noise from an 'improved' jetty and these are considered pertinent to this project also, albeit with Marine Scotland as the relevant authority;

- **Prior to construction commencing, the applicant shall submit a construction noise management plan for the written approval of the ~~planning authority~~.**

- Prior to the site becoming operational, the applicant or operator shall submit an operational noise management plan for the written approval of the ~~planning authority~~. The plan should consider operational noise in general but specifically, the impact of night time noise.
- Prior to construction commencing, the applicant shall submit a dust suppression scheme for the written approval of the ~~planning authority~~.
- All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.
- If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties. A report of the assessment must be submitted for the written approval of the ~~Planning Authority~~.

I trust the above is helpful to your determination of the license.

Kind regards

**Mark Harvey**  
Team Leader  
The Highland Council  
Development and Infrastructure Service - Portree  
Tel: 01478 613823

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Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunntadh sam bith mura h-eil sin air innse.

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**Duffin H (Hannah)**

---

**From:** Thomas Bulpit <Thomas.Bulpit@mcga.gov.uk>  
**Sent:** 20 November 2019 16:56  
**To:** MS Marine Licensing  
**Cc:** navigation safety  
**Subject:** RE: 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso - Consultation - Response required by 17 November 2019

Dear Marine Scotland,

Thank you for the opportunity to comment on this application for a Marine Licence for the redevelopment of St Ola Pier within Scrabster Harbour. We note our previous advice at Scoping and Screen stage and that the applicant has submitted a Navigation Risk Assessment within Appendix 2.3 of the EIAR, and further noting its references and proposed changes to Scrabster Harbour's existing Safety Management System as per the Port Marine Safety Code.

MCA Navigation Safety Branch have now received the information provided and have no objections to a licence being granted on the understanding that all maritime safety legislation, and that the following standardised advice is implemented;

#### Conditions

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

#### Advisories

1. The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.

2. Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

3. The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

Should you have any questions, please feel free to contact us.

Best Regards,

Tom

**Thomas Bulpit, Marine Licencing Lead**  
Navigation Safety Branch, DMSS  
Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
Direct: 020381 72418 | Mobile: 07825 792138

Email: [Thomas.bulpit@mcga.gov.uk](mailto:Thomas.bulpit@mcga.gov.uk)



**Safer Lives, Safer Ships, Cleaner Seas**



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

**Sent:** 15 October 2019 16:13

**To:** north@snh.gov.uk; planning.dingwall@sepa.org.uk; navigation safety <navigationsafety@mcga.gov.uk>; navigation@nlb.org.uk; brian@asfb.org.uk; rmerrylees@ukchamberofshipping.com; RCarrington@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; soctland-eia.scoping-opinions@hse.gov.uk; hmconsultations@hes.scot; maddox.iain@gmail.com; eplanning@highland.gov.uk; secretary@marinesafetyforum.org; pauline@ryascotland.org.uk; planning.scotland@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk; scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Karl.Zaczek@transport.gov.scot; chair@caithnesswestcc.co.uk; secretary@caithnesswestcc.co.uk; thursocc@hotmail.co.uk; FO.Scrabster@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; cdsfb@outlook.com; planningconsultations@scottishwater.co.uk; info@northlinkferries.co.uk; david.mchardie@cmassets.co.uk

**Cc:** alastair.mckinley@rpsgroup.com

**Subject:** 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso - Consultation - Response required by 17 November 2019

Dear Sir/Madam,

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

07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed St. Ola Pier development project, Scrabster, Thurso. An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The construction and dredging licence applications, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/st-ola-pier-redevelopment-scrabster>

Please forward your comments on these proposals via electronic communication to [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot) or as a hard copy to the address detailed below by date (30 days).

Kind Regards,  
Marc

**Marine Scotland** - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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



# Northern Lighthouse Board

Your Ref: MSL 07075 / 07076  
Our Ref: AL/OPS/ML/S13\_01\_038

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093  
Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



Marine Scotland – Marine Planning and Policy  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

21 October 2019

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

### **07075 / 07076 - SCRABSTER HARBOUR TRUST - CONSTRUCTION AND CAPITAL DREDGING - ST OLA PIER, SCRABSTER HARBOUR, THURSO**

Thank you for your correspondence date 15<sup>th</sup> October 2019 regarding the Marine Licence applications submitted by **Scrabster Harbour Trust** relating to the proposed redevelopment of St. Ola Pier, Scrabster, and an associated capital dredging campaign.

#### **Pier Redevelopment – MS Licence 07075**

Northern Lighthouse Board have no objection to the proposed redevelopment, and advise the following:

- The new navigation light to be installed at the end of the refurbished pier is to display the same character as the navigation light that is to be replaced (Q (2). G. 6s).
- If any alterations are to be made to either the character or position of the light, the Statutory Sanction of the Commissioners of Northern Lighthouses is required.
- **Scrabster Harbour Trust** should liaise with NLB regarding any temporary Aids to Navigation used throughout the construction project.
- **Scrabster Harbour Trust** should issue a Notice to Mariners clearly stating the nature and duration of the proposed works.
- On completion of the pier redevelopment, a copy of the 'as-built' plans should be provided to the UK Hydrographic Office to enable the update of appropriate navigational publications.

## For the safety of all

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001

**Capital Dredging Campaign – MS Licence 07076**

Northern Lighthouse Board have no objection to the proposed capital dredging campaign, and advise the following:

- Maritime Safety Information is promulgated as necessary prior to, and throughout the dredging campaign.
- **Scrabster Harbour Trust** provide the UK Hydrographic Office with revised survey data following the completion of the dredging campaign.

Yours sincerely

**[Redacted]**

**Peter Douglas**  
Navigation Manager

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Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Date: 1st November 2019

Dear Marc,

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS  
2017 (AS AMENDED)**

**07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster  
Harbour, Thurso**

Thank-you for consulting RSPB Scotland on the above Marine and Dredging Licence applications.

The proposed consents have the potential to impact on the natural heritage interests associated with the North Caithness Cliffs Special Protection Area. In general, the application has addressed the potential issues and provided the mitigation proposed in the Environmental Impact Assessment is followed this would be sufficient.

We note that the assessment also considers the potential negative effects on other mobile marine species such as seals and cetaceans known to be present in Thurso Bay. We do not have particular expertise in this field but consider that, again, in general, the application has addressed the potential issues and has provided appropriate mitigation proposals.

Finally, we note that this development will support the cruise ship industry. In light of the First Minister and The Highland Council declaring a 'climate emergency' it must be clearly demonstrated how this proposal is compatible with Scotland's carbon reduction targets – including the commitment to achieve net zero greenhouse gas emissions by 2045.

Please get in touch should you require any further information or clarification.

Yours sincerely,

[Redacted]

Bea Ayling  
Conservation Officer  
[bea.ayling@rspb.org.uk](mailto:bea.ayling@rspb.org.uk)

**North Scotland  
Office**  
Etive House  
Beechwood Park  
Inverness  
IV2 3BW  
[rspb.org.uk](http://rspb.org.uk)

**Tel** 01463 715000  
**Fax** 01408 715315

The  
a par  
working to

Patron: Her Majesty the Queen Chairman of Council: Professor Steve Ormerod, FIEEM President: Miranda Krestovnikoff  
Chairman, Committee for Scotland: Professor Colin Galbraith Director, RSPB Scotland: Anne McCall Regional Director: George Campbell

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

## Duffin H (Hannah)

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**From:** Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>  
**Sent:** 24 October 2019 16:12  
**To:** MS Marine Licensing  
**Subject:** RE: 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso - Consultation - Response required by 17 November 2019

Hi Marc,

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

Kind Regards

Pauline

Pauline McGrow  
Senior Administrator  
Tel: 0131 317 4611

Royal Yachting Association Scotland  
T: 0131 317 7388  
E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)



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

Protecting your personal information is important to us, view our full Privacy Statement [here](#)



**From:** MS.MarineLicensing@gov.scot [mailto:MS.MarineLicensing@gov.scot]  
**Sent:** 15 October 2019 16:13  
**To:** north@snh.gov.uk; planning.dingwall@sepa.org.uk; navigationsafety@mcga.gov.uk; navigation@nlb.org.uk; brian@asfb.org.uk; rmerryrees@ukchamberofshipping.com; RCarington@ukchamberofshipping.com; marine@crownestatescotland.com; DIO-safeguarding-offshore@mod.gov.uk; soctland-eia.scoping-opinions@hse.gov.uk; hmconsultations@hes.scot; maddox.iain@gmail.com; eplanning@highland.gov.uk; secretary@marinesafetyforum.org; Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>; planning.scotland@rspb.org.uk; renewables@sff.co.uk; info@scottishfishermen.co.uk;



scollin@scottishwildlifetrust.org.uk; Fred.Abercrombie@transport.gov.scot; Chris.Wilcock@transport.gov.scot; Karl.Zacek@transport.gov.scot; chair@caithnesswestcc.co.uk; secretary@caithnesswestcc.co.uk; thursocc@hotmail.co.uk; FO.Scrabster@gov.scot; Phil.Gilmour@gov.scot; laura.blackburn@visitscotland.com; cdsfb@outlook.com; planningconsultations@scottishwater.co.uk; info@northlinkferries.co.uk; david.mchardie@cmassets.co.uk  
Cc: alastair.mckinley@rpsgroup.com  
Subject: 07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso - Consultation - Response required by 17 November 2019

Dear Sir/Madam,

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

**07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola Pier, Scrabster Harbour, Thurso**

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed St. Ola Pier development project, Scrabster, Thurso. An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (EIA) (Scotland) Regulations 2017 (as amended) along with supporting documentation. The construction and dredging licence applications, EIA report and supporting documentation can be accessed via the following link:

<http://marine.gov.scot/ml/st-ola-pier-redevelopment-scrabster>

Please forward your comments on these proposals via electronic communication to [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot) or as a hard copy to the address detailed below by date (30 days).

Kind Regards,  
Marc

**Marine Scotland** - Marine Planning & Policy

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

General Queries: +44 (0)300 244 5046

Email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

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

\*\*\*\*\*

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19<sup>th</sup> October 2019

Marine Scotland  
Scottish Government 375 Victoria Road  
Aberdeen  
AB11 9DB



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

Dear Mr Marc

**KW14 Thurso Scrabster Harbour St Ola Pier**  
**PLANNING APPLICATION NUMBER: 07075/07076**  
**OUR REFERENCE: 783977**  
**PROPOSAL: Construction and Capital Dredging**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from Loch Calder Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

#### **Foul**

- This proposed development will be serviced by Thurso Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>



The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

### **Infrastructure within boundary**

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

### **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."*

### **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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection

request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

- **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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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 Customer Connections department at the above address.
- If the 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 SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>**

**Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are



deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units

that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk



16 October 2019

Marine Scotland

By email only to: [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Dear Sir/Madam

**Marine (Scotland) Act 2010  
Construction and Capital Dredging St Ola Pier, Scrabster Harbour, Thurso**

Thank you for your consultation email which SEPA received on the 16 October 2019.

The reason you have given for consultation is adequately covered by our standing advice below.

To assist with streamlining the consultation process, we now focus our site specific advice where we can add best value in terms of enabling good development and protecting Scotland's environment.

We do not provide site specific advice on Marine Licence consultations. Instead, please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#).

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Cerian Baldwin  
Planning Officer  
Planning Service



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba

**nature.scot**

By email only to: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Date: 14 November 2019  
Our ref: CLC157129

**For the attention of: Neil MacLeod**

Dear Mr MacLeod,

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

**07075/07076 - Scrabster Harbour Trust - Construction and Capital Dredging - St Ola  
Pier, Scrabster Harbour, Thurso**

Thank you for consulting us on the Environmental Impact Assessment Report (EIAR) for the  
above proposals.

**Summary**

**Protected Areas**

**River Thurso Special Area of Conservation (SAC)**

This proposal could be progressed with appropriate mitigation. However, because it could  
affect internationally important natural heritage interests, we **object** to these proposals  
unless they are made subject to conditions so that the works are done strictly in accordance  
with the mitigation detailed below and in the Annex to this letter.

Mitigation to be implemented:

- Soft –start piling should be employed at all times (day and night) during the period 1<sup>st</sup>  
April – 30th September inclusive.

**Moray Firth SAC**

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

Scottish Natural Heritage, The Links, Golspie Business Park, Golspie KW10 6UB  
Tel: 01463 701608 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, A' Mhachair, Raon Gnothachais Ghoillspidh, Goillspidh KW10 6UB  
Fòn: 01463 701608 [www.nature.scot](http://www.nature.scot)



North Caithness Cliffs Special protection Area (SPA)

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

The Annex to this letter contains our full appraisal of the impacts of this proposal and our advice.

I hope you find this advice helpful. Please contact Debbie Skinner ([Debbie.Skinner@nature.scot](mailto:Debbie.Skinner@nature.scot)) at our Golspie office if you would like to discuss any aspects of our advice.

Yours Sincerely,

Graham Neville  
Area Manager  
Northern Isles and North Highland

## **Annex – Scrabster Harbour Construction and Capital Dredging**

### **Appraisal and Advice**

#### **Protected Areas**

The following protected areas may be affected by the proposed development:

- River Thurso SAC
- Moray Firth SAC
- North Caithness Cliffs SPA
- Sanday SAC
- Faray & Holm of Faray SAC

The sites' status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 2017 as amended (the "Habitats Regulations") or for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Marine Scotland is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements: <https://www.nature.scot/sites/default/files/2017-06/A423286%20-%20Legislative%20requirements%20for%20European%20Sites.pdf>

In our view, from the information available, it appears that in this case the proposal is not connected with or necessary for the conservation management of these sites. Hence, further consideration is required.

#### **River Thurso SAC**

The River Thurso SAC is designated for its Atlantic salmon and is located approximately 2.5 km to the south east of Scrabster Harbour. We consider that the proposal has the potential to impact on both smolts and adult salmon as a result of noise from piling activity.

It is proposed that piling will be restricted to daylight hours between April and May in order to mitigate noise impacts on smolts. However it should be noted that the nocturnal behaviour of the salmon diminishes as they move down the catchment towards the sea and therefore we advise that consideration should be given to mitigating noise levels during both day and night.

Impacts from piling noise on adult salmon returning to the river have not be considered within the EIAR. Returning adult salmon will be present from the start of April—end of September inclusive. We therefore advise that noise mitigation should also extend to the 30<sup>th</sup> September to ensure adult salmon are not adversely affected by noise.

As a result of the impacts identified above it is our view, this proposal is likely to have a significant effect on the salmon interest of the site. Consequently, Marine Scotland as competent authority is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we advise that in our view on the basis of the appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site:

- Soft start piling should be employed at all times (day and night) from 1<sup>st</sup> April – 30<sup>th</sup> September inclusive.



### Moray Firth SAC

This proposal has the potential to impact on the bottlenose dolphin feature of the Moray Firth SAC. Although the Moray Firth SAC is located on the east coast, the bottlenose dolphins connected with the SAC have a wide range and have been recorded within the Pentland Firth. It can therefore be considered that there is potential for the proposal to impact on this species.

In our view, this proposal is likely to have a significant effect on the bottlenose dolphin qualifying interests of site. Consequently, Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for this qualifying interest.

To help you do this we advise that, in our view, based on the information provided and appraisal carried out to date, 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:

- Disturbance to bottlenose dolphins from construction noise; and
- Disturbance, injury or death to bottlenose dolphins from construction vessels.

We welcome the proposed employment of a Marine Mammal Observer (MMO) and note that the works will be undertaken in line with the standard JNCC piling mitigation protocols. In addition to this we also advise that best practice is followed in relation to dredging and disposal and that a watch is undertaken before these activities occur to ensure animals are not near the vessel. It would be acceptable for a crew member to undertake such watches.

### North Caithness Cliffs SPA

The proposal has the potential to impact on the North Caithness Cliffs SPA, classified for its nesting seabirds and peregrine falcons.

In our view, this proposal is likely to have a significant effect on the nesting seabird interest of site. Consequently, Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for this qualifying interest.

To help you do this we advise that, in our view, based on the information provided and appraisal carried out to date, 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:

- Disturbance to nesting seabirds from construction noise; and
- Displacement to nesting and foraging seabirds from construction noise and increased vessel movement.

The EIAR states that the predicated construction noise would be 50db at the nearest point of the SPA boundary during daytime operational activity. We consider that this level of noise will not cause disturbance to nesting birds particularly since the SPA cliffs are sheltered from the works as they curve round to the north.

This proposal is expected to result in a 6 % increase in vessel traffic. We consider that this will not cause significant disturbance to foraging SPA birds providing that vessels follow best practice guidelines at all times, as set out in the Scottish Marine Wildlife Watching Code.

The cumulative assessment within the EIAR has scoped out proposals due to their lack of spatial overlap. We consider this is not an accurate assessment given that cumulative impacts can occur outwith a spatial overlap. However, given the nature of the works and the predicted minor impacts, it is considered that cumulative impacts resulting from this proposal and others are unlikely.

#### Sanday SAC and Fararray & Holm of Faray SAC

Sanday SAC is designated for harbour seals (amongst other features) and Fararray and Holm of Faray SAC is designated for grey seals.

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests of the above sites either directly or indirectly. An appropriate assessment is therefore not required.

We have reached this conclusion on the basis that the sea disposal site is outwith the connectivity range for the qualifying features of these SACs.

#### **Protected Species**

We now aim to fulfil our advisory role on protected species through the provision of standing advice. We will generally only comment on protected species in exceptional circumstances not covered by our standing advice. You should consider the need for species licences as part of any development. Please contact our licencing colleagues ([licensing@nature.scot](mailto:licensing@nature.scot)) if you require further advice on licensing.



Development Management and Strategic Road Safety  
**Roads Directorate**

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Scottish Government  
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375 Victoria Road  
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AB11 9DB

Your ref:  
07075/07076

Our ref:  
TS00538

Date:  
17/12/2019

[ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

Dear Sirs,

## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

#### **SCRABSTER HARBOUR TRUST - CONSTRUCTION AND CAPITAL DREDGING - ST OLA PIER, SCRABSTER HARBOUR, THURSO**

With reference to the recent letters from RPS dated 21<sup>st</sup> November and 11<sup>th</sup> December on the above development, this information has been passed to SYSTRA Limited for review in their capacity as Term Consultant to Transport Scotland – Roads Directorate. Transport Scotland would provide the following comments.

The RPS letters were prepared in response to Transport Scotland's review of the Environmental Impact Assessment Report (EIAR) submitted in October 2019 in support of the application for the redevelopment of the existing St. Ola Pier in Scrabster, located approximately 1.5 miles north-west of Thurso.

#### **Dredge/ Infill**

In our original review, we noted that during construction of the pier, two main processes would occur – import of infill material and the disposal of dredge material. We noted that the peak number of HGV trips is identified as being during the import of fill material which occurs over a 4-month period, where 15.4 construction vehicles per hour are generated, over a working day of 11 hours. The percentage impact of construction vehicles was not identified within the EIAR, however, SYSTRA calculated that 15.4 vehicles over 11 hours per day results in 169.4 HGVs per day, which results in a percentage increase in HGV traffic during construction of 77.2% - well in excess of the 30% IEMA threshold identified above for further detailed assessment of environmental impacts.

RPS has responded to these comments highlighting that the Contractor has since indicated their intention to reuse dredge spoil within the pier and reclamation works.



Transport Scotland expressed concern that the quality of dredge material may not be suitable for re-use, however, RPS have provided the results of a particle size distribution test which indicates that typically, 92% of the dredge material will be suitable as fill. We understand that the dredge spoil volume is anticipated to be 172,000m<sup>3</sup> while the amount required for infill is approximately 110,000m<sup>3</sup>. If 92% of the dredge material is suitable then there should be around 158,240m<sup>3</sup> of suitable material which is comfortably in excess of the volume of material required for the works.

RPS has also indicated that the Contractor has also confirmed that they propose to dispose of any material which cannot be reused within the works at the established Scrabster dumpsite at sea. RPS states that there is no need to consider the implications of the dredge materials being removed by road from the site, and that their client is happy to accept a planning condition to this effect. Transport Scotland can confirm that this is acceptable.

### **Construction Traffic Numbers**

Transport Scotland requested confirmation of the revised construction traffic numbers given that the dredge material will not be transported by road. The revised numbers indicate that rather than the peak 15.4 vehicles per hour over an 11 hour day as previously identified, there will now be a peak of 5.83 vehicles per hour over an 11 hour day which equates to 64 HGVs per 11 hour day.

Table 5.13 within Chapter 5 of the EIAR indicates that the Average Annual Daily Traffic (AADT) on the A9(T) in 2021 will be 3,339 with 219 HGV movements. The addition of the 64 construction related HGVs per day results in a percentage increase in HGVs of 29.2%. The impact on total traffic levels is less at 1.9%.

Consequently, the removal of the dredge material vehicle figures results in the increase in HGV traffic now being just below the thresholds as specified within the IEMA Guidelines and removes the need for any further detailed assessment of environmental effects associated with increased traffic levels on the trunk road network.

It is noted that there are various assumptions around the traffic numbers and construction programme. The applicant has offered to produce a construction stage traffic management plan and this is welcomed by Transport Scotland so that the traffic numbers and programme can be reviewed again following the detailed construction planning process.

### **Conclusions**

Having reviewed the RPS information, Transport Scotland is satisfied that the development will not give rise to significant environmental effects associated within increased traffic levels on the trunk road network. We can, therefore, confirm that we have no objection to the proposed application subject to the following Conditions being attached to any consent granted.

Condition 1: Prior to commencement of deliveries to site, a Construction Traffic Management Plan must be submitted to and approved by Transport Scotland to ensure that general construction traffic and abnormal loads can be transported along the trunk road network safely and efficiently.

#### **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: The development shall not be started until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority in consultation with Transport Scotland.

Reason:

To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

I trust that the above clarifies Transport Scotland's position and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

[Redacted]

**Gerard McPhillips**

**Transport Scotland  
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.



Scottish Environment  
Protection Agency

Buidheann Dion  
Àrainneachd na h-Alba

Our ref: PCS/168203

Your ref: 07075/07076

If telephoning ask for:  
Cerian Baldwin

16 October 2019

Marine Scotland

By email only to: [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Dear Sir/Madam

**Marine (Scotland) Act 2010**

**Construction and Capital Dredging St Ola Pier, Scrabster Harbour, Thurso**

Thank you for your consultation email which SEPA received on the 16 October 2019.

The reason you have given for consultation is adequately covered by our standing advice below.

To assist with streamlining the consultation process, we now focus our site specific advice where we can add best value in terms of enabling good development and protecting Scotland's environment.

We do not provide site specific advice on Marine Licence consultations. Instead, please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#).

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Cerian Baldwin  
Planning Officer  
Planning Service



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

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**Neil Macleod**

Licensing Operations Team  
Marine Scotland  
375 Victoria Road  
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## **SCRABSTER HARBOUR TRUST: REDEVELOPMENT OF ST OLA PIER**

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

*\*No Comments = "We have considered the request and have no advice to provide."*

### **MARINE ORNITHOLOGY**

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

### **MARINE MAMMALS**

MSS have reviewed the documents for the Redevelopment of St. Ola Pier, focussing on Section 11 of the EIA report and Appendix 11 Underwater Noise Report. In order to provide advice proportionate to the activity, MSS recommend that further details are provided in the assessment on the piling operations during construction. For example, the number of piles to be installed, if they are tubular or sheet piles, the proposed duration of the piling operations and when (time of year) they are likely to occur.

MSS note that, as the proposed works include impact pile driving, an EPS licence for disturbance to cetaceans will likely be required. More information on EPS licensing can be found here: <https://www2.gov.scot/Resource/0044/00446679.pdf>

MSS have the following Section-specific comments.

Marine Licence Application Form - Section 8 (Pg 15) Noise Monitoring – MSS note that the rock breaker and dredging activities are not impulsive noise sources. JNCC's Marine Noise Registry only requires impulsive noise between 10 Hz to 10 kHz to be reported.

Appendix 11.1 Underwater Noise Report - Some sections of the report state that impulsive noise is not assessed, for example, Assessment Criteria, General, 4.3 and Noise Propagation Modelling Methodology and Section 4.33. The assessment includes piling which is an impulsive noise source.

### **EIA Report**

- Section 11.104 – MSS recommend including the seal usage maps.
- Sections 11.156, 11.157 and 11.158 – MSS recommend that references in support of the statements made in these sections are provided.

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## MARINE FISH ECOLOGY

MSS have reviewed the EIA report for the construction and capital dredging of St Ola Pier, Scrabster Harbour and the response from SNH on 28<sup>th</sup> November 2019.

With regards to the EIA report and in terms of fish spawning and nursery grounds, the study areas overlaps with high intensity spawning or nursery habitat for plaice, saithe, sandeel, spotted ray and spurdog. It is noted that the works are taking place in an existing Harbour area, which is already subject to high disturbance and noise from vessel activity. It is therefore unlikely that the area is an important area for fish spawning or nursery grounds and no sandeel were landed in the ICES square over Thurso Bay. However MSS recommend that further details are provided on when (time of year) piling activity will take place.

With regards to Basking Sharks, it is stated that they are likely to be found passing through the waters surrounding Thurso bay, particularly during late summer months. This is backed up by some sightings data present on Marine Scotland's data portal, NMPI. However there are relatively fewer sightings along the North Coast in comparison to their hot spot areas on the West Coast. Although very little is known about basking shark movements and their perception and response to sound, especially piling noise, on a precautionary approach, MSS advise that the proposed Marine Mammal Observer (MMO) could also observe any basking shark sightings from April to October and especially in peak times of July and August when carrying out piling activity and follow the same standard JNCC piling mitigation protocols. Best practice could also be followed in relation to dredging and disposal where a watch by a crew member is undertaken before these activities occur to ensure basking sharks are not near the vessel. However it is noted that this method will not be entirely accurate as basking sharks may be present beneath the water surface and will therefore not be observed.

## DIADROMOUS FISH

The River Thurso is an important and productive salmon and sea trout and a SAC for salmon. Scrabster Harbour is situated in the relatively enclosed Thurso Bay about 2km from the mouth of the River Thurso. There is a lack of information on the preferred migration routes for outgoing salmon and sea trout smolts and returning adult fish area through Thurso Bay, the extent to which fish remain in this area for longer periods, and the extent to which salmon or sea trout associated with rivers other the Thurso may be present. The proposed work involves piling, dredging and dumping, which are activities which may disturb or injure any life stage of salmon or sea trout which may be present.

SNH provided comment dated 14/11/19 advising that smolts may be present not just at night in April and May, but may be present at any time of the day, so that consideration should be given to mitigating noise levels during both day and night. MSS agree with SNH comments. SNH also advise that noise mitigation should extend to the end of September to protect adult salmon. MSS also agree with this.

The advice of SNH is that soft start piling will be sufficient mitigation. However, MSS would note that this mitigation method may not be effective for salmon and sea trout, which may stay put, rather than flee. Harding *et al.* (2016), pages 26-29, discuss the lack of avoidance behaviour shown by salmonids to pile driving sound (Harding, H, Radford AN and Simpson SD Measurement of Hearing in the Atlantic salmon (*Salmo salar*) using Auditory Evoked Potentials, and effects of Pile Driving Playback on salmon Behaviour and Physiology. Part 2: The Impact of Pile-Driving Playback on the Behaviour and Physiology of Atlantic salmon



(*Salmo salar*) Scottish Marine and Freshwater Science Vol 7 No 11. <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2016/03/measurement-hearing-atlantic-salmon-salmo-salar/documents/00497598-pdf/00497598-pdf/govscot%3Adocument/00497598.pdf>). MSS advise that this requires further discussion with SNH. If further mitigation is needed, options could include avoiding times of year when diadromous fish are most likely to be present, using information provided by the Caithness District Salmon Fishery Board.

MSS would note that the disturbance associated with the other types of construction activities too, could also have the potential to displace fish, which could also affect their subsequent survival.

The proposed mitigation measures to be deployed include the use of marine mammal observers. Such observers should also watch out for any evidence of distressed, injured or dead salmon or sea trout smolts or adults occurring during construction activities, including piling and report any such observations or incidents promptly to LOT so that the need for any further mitigation measures can be considered. This should follow a protocol, and MSS would be happy to review any proposed protocol.

There are unknowns about the extent to which disturbance associated with construction work will displace or otherwise affect the behaviour of actively migrating, resting or feeding diadromous fish and any impact on survival. The situation where the fish will be migrating through a partially enclosed bay where the construction work will be taking place would be a favourable one for a strategic research study into this by acoustic tracking of outgoing smolts or local caught adult salmon or sea trout, if carried out when the construction work is taking place. MSS advocates that developments should whenever possible contribute to strategic studies to assist in filling in key knowledge gaps and marine renewables developments and developments at other locations such as the Aberdeen Harbour Expansion Project have already sponsored similar strategic studies. MSS would be happy to take part in any discussions on whether there may be suitable options at this site.

## **BENTHIC ECOLOGY**

The construction of this harbour will result in 5,952 m<sup>2</sup> of permanent loss of the seabed. However, since this seabed loss is in an area already disturbed by the existing harbour and there are no findings of particular conservation/scientific interest, MSS is broadly content with this proposal. Similarly, the intertidal habitats that may incur indirect damage from this development, are already in a developed area. Therefore MSS has no specific concerns relating to the intertidal zone.

MSS is in agreement, that the potential impact of increased suspended sediments and possibility of contaminant release during dredging, is likely to be localised and short term. Therefore, MSS has no further advice to provide in this regard.

## **PHYSICAL ENVIRONMENT / COASTAL PROCESSES**

MSS have reviewed the EIA report for the construction and capital dredging of St Ola Pier, Scrabster Harbour. The coastal processes have been assessed using modelling to evaluate the impact of the proposed development of the pier and associated dredging on the area. It was shown by the simulations that the redeveloped St. Ola Pier and outer basin dredging will have no significant effect on either the tidal regime or the wave climate away from the immediate area around Scrabster Harbour. No significant impacts on the long-term sediment transport regime in Thurso Bay and the Pentland Firth is expected. There might, however, be a temporary increase in suspended sediment concentrations in the water column around the dredge site and the disposal site during the dredging and disposal operations, with generally

small increases. Based on these presented model simulations, the impact will be localized and will not have larger or long-term effects. Please note that the information listed above is given in good faith using the limited data available to the Oceanography Group.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the REEA Advice in-box at [MSS\\_Advice@gov.scot](mailto:MSS_Advice@gov.scot).

Yours sincerely

Marine Scotland Science

04/12/2019



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## **SCRABSTER HARBOUR TRUST: REDEVELOPMENT OF ST OLA PIER**

Marine Scotland Science has reviewed the request for further advice following our previous advice to MS-LOT. This relates to the need to ask for more information from the applicant on the activities that they are planning to undertake.

MSS have requested more information from the applicant on:

- when piling will take place (time of year)
- the number and type of piles
- the proposed piling method
- the duration of piling activities

MSS staff have also discussed this matter with MS-LOT staff and have explained that these are key pieces of information that are required to understand the scale and scope of the planned activities. The information is required to assess potential effects to, and what mitigation will be appropriate for marine mammals and fish, including diadromous fish. Until MSS receive such information we are unable to provide MS-LOT with detailed advice on the potential effects of the project. Such information will be particularly important in advising on what mitigation options are appropriate.

### **Diadromous fish**

MSS has also the following comments regarding diadromous fish.

MSS also request information from the applicant on the time of year the dredging and dumping operations will take place as this information will also be important in the impacts to, and what mitigation is needed for, diadromous fish.

Regarding ensuring MMOs watch out for any evidence of distressed, injured or dead salmon or sea trout smolts or adults occurring during construction activities, the intention of the advice was simply that there should be vigilance with a system in place for reacting appropriately to any incidents and reporting quickly.

The key mitigation is to avoid activities that could injure or adversely impact on the behaviour of diadromous fish, when present or likely to be in the vicinity in numbers, using the best local information and advice, including from the Caithness District Salmon Fishery Board, and reacting appropriately if any incidents did occur.

There are other mitigation methods in relation to underwater piling noise and MSS would note the informative recent review of noise abatement systems for offshore wind farm construction noise, and the potential for their application in Scottish waters - SNH Research Report 1070 <https://www.nature.scot/snh-research-report-1070-review-noise-abatement-systems-offshore-wind-farm-construction-noise-and> which contains relevant information, but are not making any additional suggestions at this stage.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the REEA Advice in-box at [MSS\\_Advice@gov.scot](mailto:MSS_Advice@gov.scot).

Yours sincerely

Marine Scotland Science

14<sup>th</sup> December 2019



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## **SCRABSTER HARBOUR TRUST: REDEVELOPMENT OF ST OLA PIER**

Marine Scotland Science has reviewed the request for further advice following our previous advice to MS-LOT. This relates to the need to ask for more information from the applicant on the activities that they are planning to undertake.

### **Marine Mammals**

With respect to marine mammals, MSS have reviewed the relevant sections of the EIA report and the supporting material.

MSS note that the noise modelling concluded, that for high frequency cetaceans (i.e. harbour porpoises) injury in the form of a Permeant Threshold Shift (PTS) in hearing would occur at 58 m from the piling activity. With respect to the cumulative assessment, PTS would occur at 80 m for harbour porpoises and 77 m for low frequency cetaceans (i.e. minke whales). For all other species, the noise modelling found that the thresholds for PTS were not exceeded.

Marine mammal mitigation measures are noted in Section 11.277 in volume I of the EIA, and then again in several sections of volume II of the EIA, as part of the 'EPS Supporting Information Report' and 'HRA screening and report to inform Appropriate Assessment' documents. The EPS Supporting Information Report, which is more comprehensive in regards to marine mammal mitigation, notes that trained and experienced Marine Mammal Observers (MMO) and Passive Acoustic Monitoring (PAM) will be used. MSS note that construction activity will take place during daylight hours, only. In this regard, MSS are content with the mitigation measures outlined in Section 1.7 of this document (EPS Supporting Information Report), and welcome the suggestion that the mitigation zone should be agreed with the relevant Statutory Advisors in advance of the commencement of piling activities, but would recommend that MSS advisors are included in that discussion.

In addition, MSS note that the mitigation approaches will follow the JNCC protocol for minimising the risk of injury to marine mammals from piling noise. MSS acknowledge that this will include the implementation of pre-piling watches and a soft-start protocol. As the impact ranges for PTS are relatively small, MSS are content with this approach and agree with the conclusion in the EIA, that the risk of PTS to any marine mammal as a result of exposure to piling noise is negligible.

MSS advise that it is likely an EPS licence will be required for the works, because disturbance to cetaceans is likely.

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## **Marine Fish Ecology**

Piling activities are proposed to take place over a 6 month period from May to October 2020. This time period is outside the peak spawning period for plaice, saithe and sandeel and the area of works is not an important spawning area for these species. The area is classed as a nursery ground for plaice, saithe and spotted ray. The area is classed as a high intensity nursery ground for spurdog (Ellis *et al.* 2012). However due to the works taking place in an existing harbour area which is already subject to high disturbance and noise from vessel activity, it is unlikely that it is an important nursery area. The area of work also covers a very minimal proportion of the nursery ground area available to these fish species.

In terms of the impacts of piling to fish species, there is the potential for fish to be present in the harbour during piling activities and as per the noise modelling, there is a predicted risk of injury to fish within 28m of the piling activity. However this is a very small range and it is likely that the numbers of marine fish present in the harbour will be low due to the high disturbance levels, so marine fish populations are unlikely to be affected.

MSS welcome the agreement of the applicant to extend the duties of the marine mammal observer to keep watch for surface swimming basking sharks and note that the applicant will apply for a basking shark licence.

## **Diadromous Fish**

The River Thurso is an important salmon river and it is an SAC for salmon. The outgoing smolts and returning adults need to migrate through Thurso Bay. The smolts are of particular concern as they will emigrate in large numbers over a short period and any losses of smolts will be reflected proportionately in the numbers of returning spawning adults.

Recent studies have shown that the swimming of smolts is highly directed and that they may therefore be difficult to displace, which may increase the potential for exposure. It is likely that smolts will not be uniformly spread across Thurso Bay, but it is not known what migration direction is most likely as it not known whether Thurso smolts will migrate east or west through the Pentland Firth to reach their sea feeding grounds.

No detailed information on the timing of smolt migration, which varies from river to river, specifically out of the River Thurso has been presented, although it is possible that the Caithness DSFB may have information, but the main runs in general take place from Scottish rivers over the period 12 April to 24 May, with the peak in late April and early May (Malcolm *et al* 2015).

Although SNH have confirmed that they are content that soft start piling should provide sufficient mitigation, MSS consider, on the basis of information already provided, that this is unlikely to be an effective mitigation measure for salmon and that there should be further discussion involving both MSS and SNH if piling is to be taking place when smolts are migrating.

MSS also requested, in relation to diadromous fish, further information from the applicant on the time of year the dredging and dumping operations will take place which has not been provided.

Although mortalities or injury could occur without anything being visible, MSS also advised that if there is evidence of distressed, injured or dead salmon or sea trout smolts or adults occurring during construction activities appropriate action be taken, which may involve a break in the activity.



## References

Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N. and Brown, M.J. 2012. Spawning and nursery grounds of selected fish species in UK waters. Sci. Ser. Tech. Rep., Cefas Lowestoft, 147: 56 pp.

Malcolm, I.A., Millar, C.P., 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>

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the REEA Advice in-box at [MSS\\_Advice@gov.scot](mailto:MSS_Advice@gov.scot).

Yours sincerely,

Marine Scotland Science

17 January 2019