

# Highland Council

**From:** [Mark Harvey \(Planning \(North\)\)](#)  
**To:** [Luke Frissung](#)  
**Subject:** FW: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024  
**Date:** 27 March 2024 21:38:02

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Hi Luke

Apologies for the delay

We note the issue of the possible need for planning permission if future development of buildings triggered the need for an appropriate assessment.

My colleagues in contaminated land have pointed out the raised probability of dock-related contamination being a consideration.

Other than that the LPA has no further comment to make at this time on the Scoping report.

Kind regards

**Mark Harvey**  
**Planning Team Leader**  
**Skye, Wester Ross, Strathpeffer and Lochalsh + Highland-wide Aquaculture**  
**Planning and Environment - Infrastructure, Environment and Economy Service**

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**From:** [Luke.Frissung@gov.scot](mailto:Luke.Frissung@gov.scot) <[Luke.Frissung@gov.scot](mailto:Luke.Frissung@gov.scot)>  
**Sent:** Wednesday, March 27, 2024 2:46 PM  
**To:** ePlanning <[ePlanning@highland.gov.uk](mailto:ePlanning@highland.gov.uk)>; David Mudie (Planning (South)) <[David.Mudie@highland.gov.uk](mailto:David.Mudie@highland.gov.uk)>  
**Subject:** RE: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

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Hi,

Please see the emails below. I've been unable to locate any response from Highland Council. Can you please forward on any advice / comments as soon as possible?

Thanks,

Luke  
**Luke Frissung**  
**Marine Licensing Casework Officer**  
**Licensing Operations Team, Marine Directorate**

Scottish Government, 375 Victoria Road, Aberdeen AB11 9DB  
Email: [luke.frissung@gov.scot](mailto:luke.frissung@gov.scot)

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**From:** Luke Frissung

**Sent:** Tuesday, March 5, 2024 6:50 PM

**To:** [ePlanning@highland.gov.uk](mailto:ePlanning@highland.gov.uk); [David.Mudie@highland.gov.uk](mailto:David.Mudie@highland.gov.uk)

**Subject:** SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

Hi,

We do not appear to have received any response to the consultation below. As a statutory consultee under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, it would be appreciated if the local planning authority can provide a response, even if there are no comments to be made in respect of the application?

Thanks,

Luke

**Luke Frissung**

**Marine Licensing Casework Officer**

**Licensing Operations Team, Marine Directorate**

Scottish Government, 375 Victoria Road, Aberdeen AB11 9DB

Email: [luke.frissung@gov.scot](mailto:luke.frissung@gov.scot)

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**From:** MD Marine Licensing

**Sent:** Friday, December 22, 2023 10:53 AM

**Subject:** SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Port of Cromarty Firth has requested the Scottish Ministers

adopt a scoping opinion in relation to the above proposed works under regulation 14 of the MW EIA Regulations.

The scoping report submitted by the applicant can be found at:  
<https://marine.gov.scot/node/24706>

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (“EIA”) Report to be submitted by the applicant with their proposed marine licence application(s), please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) by 04 February 2024. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to the proposed marine licence application(s) and not the onshore elements of the works.

Kind regards,

Luke  
**Luke Frissung**  
**Marine Licensing Casework Officer**  
**Licensing Operations Team, Marine Directorate**

\*\*\*\*\*  
\*\*\*\*\*

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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 chunradh sam bith mura h-eil sin air innse.

NATS

**From:** [NATS Safeguarding](#)  
**To:** [Luke Frissung](#)  
**Cc:** [NATS Safeguarding](#)  
**Subject:** RE: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 05 April 2024  
**Date:** 28 March 2024 09:06:15

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NATS have no objection to the proposed development.

Regards,

Alasdair

NATS Safeguarding

NATS Internal

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**From:** Luke.Frissung@gov.scot <Luke.Frissung@gov.scot>  
**Sent:** Wednesday, March 27, 2024 2:58 PM  
**Subject:** [EXTERNAL] SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 05 April 2024

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Dear Sir/Madam,

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may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please note, the works are to facilitate potential use as a base to construct, store and maintain offshore wind turbines, which could represent an issue in respect of aviation.

Apologies for the short timescale, but please submit your response electronically to this email address by the end of next week (05 April 2024). If you are unable to meet this deadline, please let me know as soon as possible. If you have no comments to make please submit a "nil return" response.

Please be advised that the scoping report and this consultation request relate to the proposed marine licence application(s) and not any onshore elements of the works.

Kind regards,

Luke  
**Luke Frissung**  
**Marine Licensing Casework Officer**  
**Licensing Operations Team, Marine Directorate**

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# Scottish Fishermen's Federation

**From:** [Mohammad Fahim Hashimi](#)  
**To:** [MD Marine Licensing](#)  
**Cc:** [Elspeth Macdonald](#)  
**Subject:** RE: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024  
**Date:** 10 January 2024 13:47:12

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Dear Luke,  
Thank you for sharing this consultation opportunity with SFF.  
Please file a 'nil return' response from SFF on this particular consultation.

**Best wishes**

**Fahim Mohammad Hashimi**  
**Offshore Energy Policy Manager**

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**Scottish Fishermen's Federation (SFF)**

24 Rubislaw Terrace | Aberdeen | AB10 1XE  
T: +44 (0) 1224 646944 | M: +44 (0) [Redacted]  
E: [f.hashimi@sff.co.uk](mailto:f.hashimi@sff.co.uk) | [sff.co.uk](http://sff.co.uk)  
Follow us: [Facebook](#) | [Twitter](#)

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**From:** MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>  
**Sent:** Friday, December 22, 2023 10:53 AM  
**Subject:** SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

Dear Sir/Madam,  
**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)**  
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Kind regards,  
Luke

**Luke Frissung**  
**Marine Licensing Casework Officer**  
**Licensing Operations Team, Marine Directorate**

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# Regional Inshore Fishery Group

**From:** [Redacted]  
**To:** [MD Marine Licensing](#)  
**Subject:** Re: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024  
**Date:** 22 December 2023 11:25:58

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Good morning

The North & East RIFG have no comment to make.

Jennifer

Jennifer Mouat, MA (EPS), Bsc Hon, PG Dip EDM  
The Aegir Consultancy Limited

Email - [Redacted]

Mobile - [Redacted]



----- Original Message -----

From: MD.MarineLicensing@gov.scot

To:

Sent: Friday, 22 Dec, 2023 At 10:52

Subject: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW  
EIA REGULATIONS**

SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon

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Please submit your response electronically to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) by 04 February 2024. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to the proposed marine licence application(s) and not the onshore elements of the works.

Kind regards,

Luke

**Luke Frissung**

**Marine Licensing Casework Officer**

**Licensing Operations Team, Marine Directorate**

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# Scottish Water

Friday, 29 December 2023



Marine Licensing  
375 Victoria Road  
  
Aberdeen

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Phase 5 Port of Cromarty Firth, Invergordon Service Base,  
Invergordon, IV18 0EX  
Planning Ref: SCOP-0035  
Our Ref: DSCAS-0100860-9GD  
Proposal: request for Scoping Opinion**

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

### **Audit of Proposal**

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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

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### **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.

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### **Surface Water**

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should 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)

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

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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

SEPA

**From:** Planning.North <Planning.North@sepa.org.uk>  
**Sent:** Thursday, January 4, 2024 12:04 PM  
**To:** MD Marine Renewables <MD.MarineRenewables@gov.scot>  
**Subject:** PCS-20000025 SEPA Response to SCOP-0035

OFFICIAL

Dear Luke Frissung

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations  
2017  
SCOP-0035 - Invergordon Service Base, Phase 5, Invergordon  
Port of Cromarty Firth (per Affric Ltd)**

Thank you for the above consultation. Based on the information provided, it appears that this consultation request relates to the proposed marine licence application(s) and not the onshore elements of the works and therefore falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on our [website](#). In addition, please also refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

If there is a significant site-specific issue, not addressed by our guidance or other information provided on our website, with which you would want our advice, then please reconsult us highlighting the issue in question and we will try our best to assist.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards

Nicki Dunn

Senior Planning Officer

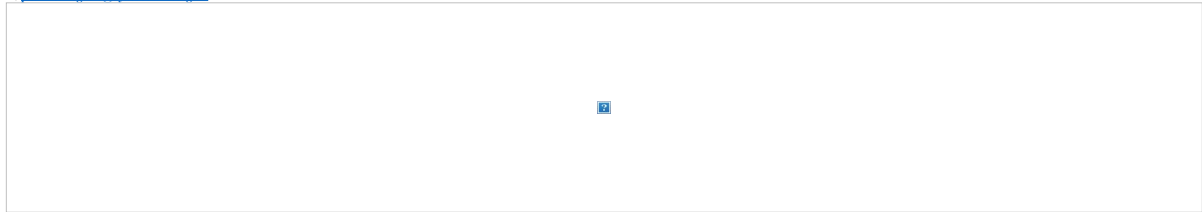
Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as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

OFFICIAL

# Royal Yachting Association Scotland

From: [Pauline McGrow](#)  
To: [MD Marine Licensing](#)  
Subject: RE: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion - Response Required by 04 February 2024  
Date: 03 January 2024 10:36:25  
Attachments: [mscp001.jpg](#)  
[mscp004.pdf](#)  
[mscp003.jpg](#)  
[mscp009.jpg](#)  
[mscp005.jpg](#)

Hi Luke,  
I write to inform you that RYA Scotland is content that navigation is scoped out of the EIA.  
Kind Regards  
Pauline  
Pauline McGrow  
Senior Administrator  
Mob: [Redacted]  
Royal Yachting Association Scotland  
T: 0131 317 7388  
E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)



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From: MD.Marinelicensing@gov.scot <MD.Marinelicensing@gov.scot>  
Sent: 22 December 2023 10:53  
Subject: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion - Response Required by 04 February 2024  
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Kind regards,

Luke

[Luke Frissung](#)

[Marine Licensing Casework Officer](#)

[Licensing Operations Team, Marine Directorate](#)

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# Defence Infrastructure Organisation



**From:** [Redacted]  
**To:** [MD Marine Licensing](#)  
**Subject:** 20240115 SCOP-0035 Scoping Opinion Invergordon Service Base, Phase 5, Invergordon - Port of Cromarty Firth (per Affric Ltd)  
**Date:** 15 January 2024 12:08:58

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Good morning Luke

Thank you for your email below regarding SCOP-0035 Scoping Opinion Invergordon Service Base, Phase 5, Invergordon - Port of Cromarty Firth (per Affric Ltd). After our review, I can confirm that the MOD has no objections regarding this activity.

Kind regards

*Anne McGarva*

Anne McGarva | Assistant Safeguarding Officer

Defence Infrastructure Organisation

Estates | Safeguarding

DIO Head Office | St George's House | DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Skype: +44 (0)3001623630 | Mobile: +44 (0)[Redacted] | email:

[Redacted]

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

**Sent:** 22 December 2023 10:53

**Subject:** SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Consultation on Request for Scoping Opinion – Response Required by 04 February 2024

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The scoping report submitted by the applicant can be found at:

<https://marine.gov.scot/node/24706>

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (“EIA”) Report to be submitted by the applicant with their proposed marine licence application(s), please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies. Please submit your response electronically to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot) by 04 February 2024. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate to the proposed marine licence application(s) and not the onshore elements of the works.

Kind regards,

Luke

**Luke Frissung**  
**Marine Licensing Casework Officer**  
**Licensing Operations Team, Marine Directorate**

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\*\*\*\*\*

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# Maritime and Coastguard Agency



Maritime &  
Coastguard  
Agency

Helen Duncan  
**Maritime and Coastguard Agency**  
Bay 2/24  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

[www.gov.uk/mca](http://www.gov.uk/mca)

Your Ref: SCOP-0035

Date: 23 January 2024

Via email: MD.MarineLicensing@gov.scot

Dear Luke

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

**Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon**

Thank you for your email dated 22<sup>nd</sup> December 2023 inviting comments on the Scoping Report for the proposed Phase 5 of the Invergordon Service Base at Invergordon, Port of Cromarty Firth. The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the Maritime & Coastguard Agency (MCA) would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine (Scotland) Act 2010 before carrying out any marine licensable works.

We note the proposals are to further develop the Invergordon Service Base to support vessels associated with the offshore renewables industry. The works will include (but not limited to) the:

- 1) provision of additional berthing;
- 2) provision of an area of the quay which could be used by a Roll-on Roll-off (Ro/Ro) vessel;
- 3) provision of additional laydown space;
- 4) a deepwater berth;
- 5) heavy lift capacity;

- 6) increased connectivity between previous phases of development whilst maintaining suitable berthing areas to support the multiple users;
- 7) provision of appropriate services (lighting, water, drainage and power); and
- 8) provision of elements to support Offshore Wind activities.

Likely construction techniques will include vibro and impact piling, land reclamation activities, infilling and rock placement, dredging, and dredge spoil disposal.

It is our understanding that the site falls within the jurisdiction of a Statutory Harbour Authority (SHA) – Port of Cromarty Firth (PoCF), who are also the applicant. The SHA is responsible for maintaining the safety of navigation within their waters during the construction and the operational phase of the project.

Chapter 16 considers the potential effects of the proposed development on shipping and safe navigation during the construction and operational phases. It is not clear whether the vessel traffic analysis in table 16.1 considers commercial, recreational or fishing activities in and around the port, or just vessels which visit the facilities. We also note the increase in expected vessel movements as a result of the delivery of materials, although it states these are not expected to have significant interaction with other marine traffic.

The MCA would expect the SHA to risk assess the impact of the project on shipping and navigation and develop a robust safety management system for the project under the Port Marine Safety Code and its Guide to Good Practice. We would also expect further stakeholder engagement to be ensure local users are aware of the works and that any risks to local users are suitably mitigated. It is often useful to hold a hazard identification workshop to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety during the construction and operational phase. Decisions relating to further controls should be agreed in consultation with other interested parties to determine whether the ALARP status has been met for each risk. Current vessel data should also be used.

From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.

The report states that navigation for the construction and operational phase is scoped out of any further assessment. The outputs of the risk assessment should be used to inform a judgement on significance of effects arising from the Project. The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the risk assessment and further stakeholder consultation.

As a final observation the RNLI is the Royal National Lifeboat Institution. This is incorrectly referenced in section 16.3.1.

We hope you find this information useful at scoping stage.

Yours sincerely,

[Redacted]

Helen Duncan  
Marine Licensing Project Lead  
UK Technical Services Navigation

# Northern Lighthouse Board



# Northern Lighthouse Board

84 George Street  
Edinburgh EH2 3DA

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Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
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Your Ref: SCOP-0035  
Our Ref: GB/ML/C8\_01\_108

Mr Luke Frissing  
Marine Licensing Casework Officer  
Licensing Operations Team - Marine Directorate  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

23 January 2024

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("THE MW EIA REGULATIONS") & CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

**SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon**

Thank you for your e-mail correspondence dated 22<sup>nd</sup> December 2023 regarding the scoping report submitted by **Port of Cromarty Firth (per Affric Ltd)** relating to the proposed construction and dredging works at Invergordon Service Base, Invergordon.

We note that navigation will be scoped out for Phase 5 EIA, however, the mitigation measures applied to the previous phases of construction works will be applied to Phase 5. We also note that **Port of Cromarty Firth** will liaise with the Northern Lighthouse Board to agree the navigational lighting requirements of the new development.

Northern Lighthouse Board are content with the proposed EIA scoping report.

Yours sincerely

[Redacted]

Peter Douglas  
Navigation Manager

NLB respects your privacy and is committed to protecting your personal data.  
To find out more, please see our Privacy Notice at [www.nlb.org.uk/legal-notice/](http://www.nlb.org.uk/legal-notice/)



**RSPB**

Luke Frissung  
Marine Licensing Casework Officer  
Licensing Operations Team, Marine Directorate

Email: [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

Date: 30<sup>th</sup> January 2024



Dear Luke,

**SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon**

Thank you for consulting RSPB Scotland on the above request for a marine licence Scoping Opinion.

The works site is directly adjacent to the boundary of the Cromarty Firth Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). The designated features include mudflats, sandflats, salt marsh and the various waders and wildfowl that rely on these habitats and over-winter on the site, as well as breeding Common Tern and Osprey. Due to resulting changes to the extent and availability of intertidal habitat and disturbance, displacement and loss of breeding sites/habitat, the proposed works have the potential to impact on the features of these designated sites, specifically breeding Common Tern, and the wintering waders and wildfowl.

Due to the location of the proposal and the nature of the development, there would be likely significant effects on the qualifying interests of a European site, from the proposed development alone and in combination with other projects. Consequently, the determining authority is required by the Conservation of Habitats and Species Regulations 2017 to undertake an Appropriate Assessment of the effects of the proposal on the European sites and their habitats and species in light of the site's conservation objectives. The EIA Report must include sufficient information to inform the Appropriate Assessment. If the potential impacts of the proposal cannot be sufficiently mitigated and there could be adverse impacts on the integrity of these sites, then it is unlikely that the determining authority would be able to grant consent in accordance with the Habitat Regulations requirements.

---

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The RSPB is part of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

## Bird surveys

In general, we are content with the species covered by the surveys to date. However, a scoping exercise should help inform survey design, and we are disappointed to note that new ornithological surveys have already been undertaken prior to this exercise. Maps showing breeding bird survey areas and methodologies have not been provided with the scoping report for review. Such information should be provided with the Scoping Report so that consultees can provide full and detailed comments. We therefore request this information is provided and reserve the right to update this Scoping response following receipt of these.

Although we note that no further surveys are currently proposed, we suggest vantage point surveys to inform a collision risk assessment should be undertaken, as discussed further below.

## Assessment of Impacts on Birds

### *Common and Arctic Terns*

We have concerns regarding the construction and operational disturbance that this development may cause, especially for breeding terns. Their current breeding areas may also be directly affected as are located within the proposed red-line boundary. Arctic and Common Terns are both listed under Annex 1 of the Birds Directive and are on the amber list of Bird of Conservation concern. Common Terns are also a qualifying interest of the Cromarty Firth SPA, contributing to at least 2.4% of the British population.

The Port of Cromarty Firth at Invergordon has supported large numbers of both breeding Common and Arctic Terns over the years, the largest colonies within the Cromarty Firth. Historically, terns nested on the RLNI pier, but then they moved to the Queen's Dock and other areas at the Port, including the Phase 3 and 4 areas, when the pier became unsuitable. There have been ongoing issues with operational disturbance to the birds, and in response to this, a raft was installed in 2022 to provide a safe breeding location for Common Terns away from working dock areas. However, a good number of Common Tern still use the working dock areas to breed, in addition to Arctic Terns.

The EIA should fully assess impacts of disturbance, displacement and breeding habitat loss during construction and operation.

Lastly, it should be noted that an outbreak of Highly Pathogenic Avian Influenza (HPAI) on the site in 2023, may have impacted upon the numbers of terns recorded and this should be taken into account in any assessment.

#### *SPA wintering waders and wildfowl*

The proposed red line boundary appears to extend up to the mean low water springs. The surveys to date show that a number of SPA qualifying species use this area to forage, and there is a risk of disturbance and displacement during construction and operation and changes to the extent and/or loss of availability of intertidal habitat for foraging. These aspects will need to be addressed in detail in the EIA, and the mitigation hierarchy followed.

#### *Other breeding birds*

The Scoping Report confirms that Oystercatcher, Curlew and Herring Gull also breed at the port and states "Eider was identified as probable breeders on the site within the rock revetment around the Queen's Dock." From the data presented on the 'Breeding Bird Survey Results' Drawing 19410/OR/002a, we are concerned that the number of breeding birds, especially Eider, has been under-recorded.

Local volunteers survey the Port annually for Common and Arctic Terns and Eider, as part of the RSPB Moray Firth tern monitoring programme. Their data confirms that the Port has supported between 127 and 166 Eider nests since 2021, located along or close to the rock armour in the area around Berth No.4 and in the Queen's Dock.

Again, active nests of these species are protected, and any breeding habitat loss, disturbance and displacement impacts should be included in the EIA.

#### *Turbine testing and collision risk*

We note that up to three wind turbines will be erected on site at once, with one being tested at a time. We acknowledge the justification provided that collision risk to birds will not be assessed as it will not have a significant effect on local bird populations. However, due to the proposed development's location adjacent to a European protected site, we respectfully disagree with this view. It is not clear where these turbines will be positioned in relation to SPA bird breeding sites and whether there would be impacts to these birds commuting between breeding and feeding sites. Many species, especially gulls, will fly above 22m (the minimum blade clearance from the sea).

Although we understand that the turbines being tested will only be rotating at full speed for short periods of time, during daylight hours, there is a risk of collision at this time.

Without survey data, we are concerned that impacts may be more significant than suggested in the Scoping Report.

We strongly suggest vantage point surveys are undertaken at the site in line with NatureScot guidance<sup>1</sup> to inform a collision risk model and assessment of impacts.

### Mitigation and compensation

Works should avoid the bird breeding season (between April and August), as tern and Eider nest sites are likely to be directly impacted by the proposal as they are located within the red line boundary presented. If the breeding season is not avoided altogether, a Breeding Bird Species Protection Plan (BBSPP) needs to be produced with the EIA to show how nesting birds, particularly terns and Eiders, will be protected during construction. We strongly suggest a combination of timing restrictions, work exclusion zone buffers<sup>2</sup> and provision of alternative nesting areas safe from disturbance will be required. A similar document should be produced for wintering SPA waders and wildfowl.

We also recommend that a Tern Management Plan be created and implemented alongside the development to ensure the positive management of the overall site going forward for these important tern species that have been impacted so heavily by the recent HPAI outbreak. RSPB Scotland is happy to be consulted in the creation of such a plan.

We would strongly recommend that further tern rafts are installed prior to construction to provide alternative nesting areas for Common Terns during construction works, and that can be maintained during operation. In addition, since Arctic Terns do not readily take to rafts, we strongly suggest that a suitable onshore area of the Port away from sources of disturbance is set aside prior to construction and managed specifically for this species.

We hope you find these comments helpful. Should you wish to discuss any of the above please do not hesitate to contact me.

Yours sincerely,

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<sup>1</sup> <https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms>

<sup>2</sup> <https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance>

[Redacted]

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

# Transport Scotland

Luke Frissung  
Marine Directorate  
375 Victoria Road  
Aberdeen  
AB11 9DB

[MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

Your ref:  
SCOP-0035

Our ref:  
GB01T19K05

Date:  
01/02/2024

Dear Sirs,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017 (“the MW EIA Regulations”)**

**CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS**

**SCOP-0035 - PORT OF CROMARTY FIRTH (PER AFFRIC LTD) - INVERGORDON SERVICE  
BASE, PHASE 5, INVERGORDON**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Affric Limited in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

**Proposed Development**

We understand that the proposed development comprises a further (fifth) extension of the Port of Cromarty Firth Invergordon Service Base (ISB). The extension is designed to address the need for increased laydown space and berths required to support the Energy Sector, in particular, the requirement for large scale port facilities. The port is located approximately 22.5km north of Inverness, with the nearest trunk road being the A9(T) which lies approximately 4.5km to the west at Dalmore.

The SR states that the Phase 5 expansion will include the following:

- Provision of additional berthing;
- Provision of an area of the quay which could be used by a Roll-on Roll-off (Ro/Ro) vessel;
- Provision of additional laydown space;
- A deepwater berth;
- Heavy lift capacity;



- Increased connectivity between previous phases of development whilst maintaining suitable berthing areas to support the multiple users;
- Provision of appropriate services (lighting, water, drainage and power); and
- Provision of elements to support Offshore Wind activities.

## Phase 4

We note that the previous Phase 4 expansion application was submitted in 2018. Transport Scotland was consulted on the Scoping Report for this application, with comments provided on 3<sup>rd</sup> April 2018. In this, we requested that A9(T)/ B817 (Dalmore) and Academy Road/ A9(T) (Tomich Junction) be considered as part of the assessment.

## Assessment of Environmental Impacts

Chapter 17 of the SR considers the potential impacts associated with Traffic and Transport. This states that information utilised within the Phase 4 EIA has been used to inform the baseline in the Scoping exercise. It is stated that Phase 3 information is out of date and, consequently, not used to inform the baseline. It has, however, been used to inform the potential impacts of Phase 5.

We note that a summary of the construction and operational impacts and any specific mitigation identified from both Phase 3 & Phase 4 EIAs are provided in Table 17.1 and 17.2. The SR goes on to state the following:

*“Construction and operational activities conducted during Phases 3 and 4 at the PoCF were deemed to have no significant impact on traffic and transport with the appropriate implementation of mitigation measures. As maximum rates of traffic flow are unlikely to increase for both the construction and operation of Phase 5, the impacts associated with the proposed development will be almost identical to those described for Phases 3 and 4. As such, it can be assumed that the significance of impacts is indistinguishable from those already assessed and therefore it is recommended that Traffic and Transport is scoped out of the EIA process for Phase 5.”*

While Transport Scotland accepts that the potential traffic generated by the construction and operation of Phase 5 may not be significant, we would seek a threshold assessment in line with the Institute of Environmental Management and Assessment (IEMA) Guidelines entitled Environmental Assessment of Traffic and Movement (July 2023) be provided to support this view. These specify that road links should be taken forward for further assessment where the following two rules are breached:

Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

The traffic generation information should be used to determine whether there are likely to be any potentially significant environmental issues associated with increased traffic on the trunk road network.

It should be noted that Transport Scotland considers traffic data older than five years to be out of date and should not be used. Given that the Phase 4 information was based upon 2016 traffic flows, we would suggest more appropriate data be utilised. An alternative source of traffic data is Traffic Scotland's National Traffic Data System.

Where significant changes in traffic are not noted for any link, no further trunk road assessment needs to be undertaken.

### **Abnormal Loads Assessment**

No mention of the need for deliveries using abnormal indivisible loads (AIL) is made within the SR. We would state that in the event such loads are required, Transport Scotland will require to be satisfied that the size of loads proposed can negotiate the selected route and that transportation will not have any detrimental effect on structures within the trunk road route path.

A full Abnormal Loads Assessment report should be provided with the EIA that identifies key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me at the number above or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

[Redacted]

**Gerard McPhillips**

**Transport Scotland  
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

# Historic Environment Scotland



**By email to:**

[MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

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Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300028692  
Your ref: SCOP-0035

12 February 2024

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5,  
Invergordon - Marine Licence  
Scoping Report

Thank you for your consultation about the above scoping report which we received on 22 December 2023. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings. In this case, you should contact Highland Council's Historic Environment Team (Archaeology) who can be contacted on 01349 886608 or by email at [archaeology@highland.gov.uk](mailto:archaeology@highland.gov.uk)

### **Proposed Development**

We understand that the proposed development comprises an extension to the existing port facility comprising

- Additional berthing;
- Provision of an area of quay which could be used by a Roll-on Roll-off (Ro/Ro) vessel;
- Additional laydown space;
- A deep-water berth;
- Heavy lift capacity;
- Increased connectivity between previous phases of development whilst maintaining suitable berthing areas to support the multiple users;
- Provision of appropriate services (lighting, water, drainage and power)
- Provision of elements to support Offshore Wind activities



The exact layout and size of the development will be informed by the EIA process so the red line boundary used within the Report is intended to show the maximum limit for development. The Phase 5 proposals would extend the existing Phase 3 and 4 quays to the west and north, adding up to 207,378m<sup>2</sup> to the existing footprint of 126,428 m<sup>2</sup>

## Scope of assessment

### Potential physical impacts

We can confirm that there are no scheduled monuments, category A listed buildings, Inventory battlefields, gardens and designed landscapes or World Heritage Sites within the proposed development boundary.

We consider that the development has potential to generate impacts on marine cultural heritage. The development is located in an area notable for its history of military use during the 20<sup>th</sup> century, particularly military airfields. A number of aircraft crash incidents are recorded in the general area of the Port. There is also some evidence of fish traps in the vicinity which could indicate more extensive use of the area in the past. The Annex to this letter provides further information on this matter.

### Potential setting impacts

The Report identifies two nationally important historic environment assets in the vicinity of the development with the potential to experience setting impacts -

- [SM1675](#) Clach a' Mheirlich, symbol stone
- [LB15040](#) Old Rosskeen Parish Church and Burial Ground

We consider a third site ([SM5950](#)) Newhall Point, chapel and burial ground Balblair, also falls into this category.

### Potential cumulative impacts

We recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposed development is combined with other present and reasonably foreseeable developments.

### Scoping Report

We have a number of concerns about the assessment of cultural heritage impacts in the Scoping Report.

- The Report concludes that physical impacts on cultural heritage can be scoped out of further assessment. We disagree as we consider the Report fails to provide sufficient information to support this conclusion. **Cultural heritage should be scoped in to the EIA process** unless the applicants can provide sufficient information to address our concerns.
- The Report notes the potential setting impacts on *Clach a' Mheirlich symbol stone* and *Old Rosskeen Parish Church and Burial Ground* and proposes these should



be considered in the Landscape and Visual Assessment element of the EIA. This is not appropriate. Although the two disciplines share common elements, assessment of landscape impacts and assessment of setting impacts on cultural heritage assets require very different background knowledge and skill sets. Such action could risk contravening The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

- The Report does not demonstrate a comprehensive knowledge and understanding of background sources such as legislation, guidance and datasets relevant to cultural heritage.
- The Report appears to rely on background information from earlier phases of development for its conclusions about the cultural heritage impacts of the current phase of development. Given that the current development envelope is almost twice as large as the existing quays from Phases 3 and 4, we do not deem that information from those developments can be applied to the current proposals without detailed consideration. Such consideration is not demonstrated in the Report.

Further information on these matters is provided in the attached Annex.

#### **Further information**

Guidance about national policy relating to cultural heritage can be found on our website at <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/> .

We hope this is helpful and we would be happy to provide further information and advice to the applicants as they work through the EIA process. Please contact us if you have any questions about this response or require further information on any matter raised. The officer managing this case is Deirdre Cameron who can be contacted by phone on 0131 668 8896 or by email on [Deirdre.cameron@hes.scot](mailto:Deirdre.cameron@hes.scot)

Yours sincerely

**Historic Environment Scotland**



## Annex

### Historic Environment Scotland's interest: Statutory remit

For our statutory remit, we are content that the development would not result in any significant direct physical impacts on nationally designated cultural heritage assets. Setting and cumulative impacts do not appear to be considered in the Scoping Report and should be assessed as part of the EIA process.

There are two scheduled monuments that have the potential to experience significant impacts on their settings -

[Clach a' Mheirlich, symbol stone \(SM1675\)](#) is situated about 1.7km WNW of the proposed development area. This stone is 1.8m high and bears Pictish symbols that indicate it was decorated in the 7<sup>th</sup> century AD. The size and shape of the stone are typical of later prehistoric standing stones more generally, so that it is possible that the Pictish carvers re-used an existing stone. The stone now stands in a post-medieval arable field, in close proximity to both the B817 road and the railway. Views to the proposed development are currently affected by an intervening boatyard and building. The existing infrastructure at Invergordon does not break the horizon, leaving the view to the sea and the ridge beyond unaffected.

[Newhall Point, chapel and burial ground, Balblair \(SM5950\)](#) is situated about 1.4km SSE of the proposed development area. The medieval chapel at Newhall is known only from documentary records but excavation in the 1980s revealed the presence of a circular burial-ground and a series of inhumations dated to the 10<sup>th</sup> and 11<sup>th</sup> centuries AD. The monument, which survives beneath the current ground-surface, is set partly in garden ground, partly in an arable field and partly in an undeveloped plot. It lies to the S of and close to a series of modern houses that form the small settlement of Balblair, and there are very limited views towards the proposed development area.

From the information available so far we consider the potential setting impacts of the development on these monuments would not raise issues of national interest that would merit objection on our part.

In addition, the category A listed building, [Old Rosskeen Parish Church and Burial Ground \(LB15040\)](#) could also experience setting impacts. Having undertaken our own assessment of the building and its setting, we do not consider those impacts would be significant in EIA terms and are content for this asset to be omitted from further detailed assessment.

This list is not exhaustive, it simply highlights those assets where we consider there is an obvious risk of significant setting impacts. There are a number of other nationally designated heritage assets in the wider area around the development. We recommend that heritage assets should be selected for detailed analysis using detailed Zone of Theoretical Visibility (ZTV) analysis.





We expect nationally designated assets within the ZTV to undergo an initial assessment to determine the potential for effects to their setting. This assessment should demonstrate a full appreciation of the setting of each heritage asset where potentially significant impacts are identified. This consideration should recognise that impacts may occur on views from, towards or across individual heritage assets as well as from potential changes to their experience. Our Managing Change guidance note on [Setting](#) provides further detail on this matter.

### **Historic Environment Scotland's interest: marine remit**

Historic Environment Scotland has an arrangement with Marine Directorate whereby we offer information and advice on marine cultural heritage matters when requested. We take this consultation to be such a request.

With respect to section 20.2.1, there is no assessment of maritime records held in the National Record of the Historic Environment maintained by HES. Seven casualties or losses (that is assets that are known only from documentary records) are described as being lost "off Invergordon" including the *Harmony* Motor Fishing Vessel in 1941 (Canmore ID [209751](#)) and six aircraft, of which five were lost during wartime (Canmore IDs [311486](#), [311492](#), [311494](#), [311495](#), [311496](#), [311507](#)). The exact locations of these incidents are not known. While maritime losses are not an indicator of surviving archaeological remains, they are an indicator of both the potential significance and the potential character of remains that may be encountered in a given area.

The report does not provide a detailed assessment of the potential for submerged paleo-environmental and archaeological deposits to survive within the proposed development area. Records of a fish trap (Canmore ID [294812](#)) which has been built over by the existing development indicate that the area could also contain marine archaeological remains that do not relate to vessels or aircraft. A summary of the bathymetric surveys that have been undertaken to date should be provided, including an assessment of the potential for buried archaeological features or deposits as well as those visible in, for example, bathymetric or side-scan sonar data. Other records, particularly any relating to geological coring or past dredging activity, could be useful in identifying areas where archaeological remains may or may not be likely to survive.

### **Scoping Report**

As noted in our main letter, we have concerns about aspects of the Scoping Report and we do not agree with its conclusions. Our detailed comments are as follows -

#### Section 20.1

The Report does not demonstrate a comprehensive knowledge and understanding of background sources such as legislation, guidance and datasets relevant to cultural heritage. We recommend that in addition to the sources quoted and the Marine Works Regulations, the following should be considered as baseline reference material for the EIA process

#### Legislation

- Marine Scotland Act (2014)





- Merchant Shipping Act (1995)
- The Protection of Military Remains Act (1986)

#### Policy and Guidance

- [Historic Environment Policy for Scotland \(2019\)](#)
- [Environmental Impact Assessment Handbook \(2018\)](#)

#### Sections 20.2 Baseline information and 20.4 Potential Impacts

20.2.1. We welcome the use of the Pastmap database in compiling the Scoping Report. The Report notes the maritime records for the area but does not quantify or describe them. It does not provide any evidence to support the claim that most recorded vessel losses would have been removed from the area, nor does it consider what may have been left behind by salvage activity. Given the large number of recorded losses in the vicinity, particularly military aircraft losses that are subject to stringent legal protection, we consider the report should provide further detail to support the proposal to scope out physical impacts on marine archaeology.

20.4.1. mentions bathymetry studies that are not described within the Report or provided as an annex. Given the uncertainty over the archaeological potential of the development area noted above, we would have expected these studies to form part of the Scoping consultation as it they may provide information that could clarify the archaeological potential of the development area. Likewise, other information such as records of previous dredging activity in the area that would help identify those areas with greater or minimal archaeological potential do not appear to have been considered.

#### Section 20.3 Previous EIA

The relevance of this section to the current application is not explained. Given the scale and location of the current proposals compared to the previous developments, we do not consider it is safe to draw an analogy between what has happened before and the current proposals.

#### Section 20.5 and 20.6 Scoping Assessment and proposed Impact Assessment

The Report proposes that the potential setting impacts on Clach a' Mheirlich symbol stone (SM) and Old Rosskeen Parish Church and Burial Ground (SM) should be considered in the Landscape and Visual Assessment element of the EIA. This is not appropriate.

Although the two disciplines share common elements, assessment of landscape impacts and assessment of setting impacts on cultural heritage assets require very different background knowledge and skill sets. Such action could risk contravening the EIA regulations that apply to this development and the requirement for EIA Reports to be prepared by competent experts.

#### 20.7 Mitigation

We note and welcome the proposal to develop a Protocol for Archaeological Discoveries (PAD). However, the PAD may be only one element of a suite of measures needed to



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mitigate impacts on cultural heritage interests. We are not able to advise on what those measures might be until a more detailed assessment of those interests has been undertaken.

### **Conclusion**

We consider the Scoping Report does not provide sufficient evidence to support the decision to scope out cultural heritage from the EIA process. Cultural heritage interests must therefore be scoped into the EIA.

**Historic Environment Scotland**

12 February 2024

NatureScot

Mr Luke Frissung  
Marine Licensing Casework Officer  
Marine Directorate  
**By Email:** [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

1 March 2024  
Your Ref: SCOP- 0035  
Our Ref: CEA 173662

Dear Mr Frissung

## **The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Phase 5 Expansion at Invergordon Service Base – Port of Cromarty Firth**

Thank you for email dated 22 December 2023, requesting our comments on this scoping consultation. We thank you for providing us with an extension for this consultation.

### **1. Summary**

The key issues to address within the Environmental Impact Assessment (EIA) include:

- The impacts upon SPA waterbirds (including subtidal species), common tern, osprey & supporting habitats.
- Possible impacts to bottlenose dolphin linked to the Moray Firth SAC, and harbour seal linked to the Dornoch Firth & Morrich More SAC.
- Possible disturbance & displacement effects to wider countryside eiders and Arctic tern.

### **2. Background**

We have had pre-application discussions with the applicants about the proposed Phase 5 project and as part of that process we have provided advice, mainly around the requirement for additional bird survey work (June 2023) to help inform scoping.

This proposal lies adjacent to the Cromarty Firth Special Protection Area (SPA) protected for its range of non-breeding birds, such as oystercatcher, redshank, common tern & red-breasted merganser, etc. Part of this SPA boundary lies adjacent to this proposal. A full list of qualifying species can be found here: <https://sitelink.nature.scot/site/8488>. The Moray Firth SPA, protected for its range of waterbirds, see: <https://sitelink.nature.scot/site/10490>, lies approximately 10km to the east. However, some SPA species occasionally use parts of the Cromarty Firth, such as: Slavonian grebe, long-tailed duck and red-throated diver, etc.

The Moray Firth Special Area of Conservation (SAC) protected for its bottlenose dolphin and subtidal sandbank habitat lies approximately 6km to the east, see: <https://sitelink.nature.scot/site/8327>.

### **3. Our comments on Scoping**

#### **3.1 Protected Areas – European Sites**

##### **Cromarty Firth SPA**

The Invergordon Service Base (ISB) is very close to the boundary of this SPA, where intertidal supporting habitats have been surveyed and found to support SPA waterfowl. In addition, parts of this coastal section also support high-tide waterfowl roost sites. Therefore, we welcome that a

good level of detail is included within the Scoping Report, following sustained periods of intertidal survey work.

*a) Intertidal / terrestrial birds*

The detail in section 12.2.3 (page 48) does not provide a clear conclusion about which construction and operational activities will be considered for further impact assessment on ornithological receptors. On the basis that Phase 5 is much closer to this SPA boundary than Phases 3 & 4, then we recommend that the potential impacts of piling and dredging for Phase 5 are scoped in.

This Report also identifies *operational* activities linked to this SPA. We welcome that the Scoping Report recognises the potential interaction with floating turbines, but it only seems to acknowledge collision risk, which we agree appears to be negligible. Risk of collision from turbines being tested at port-side should be very low, therefore vantage points surveys to assess collision risk are not required.

However, what is not included within the Scoping Report is the potential for *operational* effects of floating turbines to result in SPA displacement effects, this relates to all relevant ecological processes for SPA species, such as: foraging, roosting, loafing, etc. Some studies suggest waders (albeit on breeding habitat) can be displaced from their favoured territories by the presence of turbine structures, therefore the potential effects of displacement to SPA birds should also be considered. This is relevant to non-breeding periods (e.g. most waterfowl) and breeding periods (common tern & osprey).

We know that ospreys use coastal firths during the breeding season. Individuals can also be seen foraging and resting, during spring and autumn, within proximity to Udale & Cromarty Bays, which lie adjacent to the ISB. Therefore, potential impacts to osprey foraging habitats should be assessed.

We understand that common terns may use different parts of the ISB, which potentially takes them closer to works and turbine construction areas. Therefore, disturbance from piling and dredging could occur, as well as managing laydown area for construction materials. It is also possible that displacement effects may occur from floating turbines, once constructed at port side. Therefore, these factors should be given due consideration in context to assessment of the SPA Conservation Objectives for both species.

*b) Mainly subtidal birds*

We note that non-breeding bird surveys have largely focussed on SPA birds using the intertidal zone in context to phase 5 berth expansion. However, both red-breasted merganser and scaup also have potential to use sub-tidal waters near to the ISB and throughout this firth within the jurisdiction of the Ports function.

We agree that red-breasted merganser should be scoped in for further assessment. However, we also recommend that scaup should be scoped in. Both species regularly use subtidal and intertidal waters (subject to tidal state) within the outer section of the Cromarty Firth. This is particularly linked to possible disturbance / displacement effects that may occur to these waterfowl from turbine presence portside, as well as movement/towing of huge floating turbines through the firth. This development will facilitate new tall industrial-scale structures, that many bird species will not have experienced before, therefore we welcome a precautionary approach for Protected Area birds. In this regard, we recommend that underwater noise and navigation should be scoped-in to table 2.

On the above basis, the spatial extent of bird survey work to date has not been wide enough to inform a robust assessment of birds using subtidal waters. We therefore recommend at least one non-breeding season (July<sup>1</sup> - April<sup>2</sup>, inclusive) of vantage point survey at ISB, covering subtidal waters to the south and south-east within the firth, as well as covering the extent of turbine towing areas. Survey methods should follow that for 'inshore marine waterfowl (divers, grebes and seaduck, pp.448- 450, based on Gilbert *et al*, 1998<sup>3</sup>). However, as the focus should be to gather information on spatial distribution of key species (and then numbers, etc.), we recommend surveys twice per month over the non-breeding period, ideally spanned out between each visit (subject to suitable weather / sea state conditions).

The selection of vantage points for survey work should be based on desk analyses of likely viewsheds from various locations, considering position and elevation, followed by ground-truthing. All this bird survey advice has full relevance for the Moray Firth SPA too, linked to non-breeding birds (see below). We would be happy to comment on a draft survey protocol in due course.

No information has been provided on static locations of floating turbine, such as wet-storage zones (other than port-side). The Scoping Report indicates that wet storage is not to be included for assessment in context to this proposal in isolation (see further advice on this aspect within Moray Firth SPA, as below).

### **Moray Firth SPA**

Although the Phase 5 development is c. 10km to the west of this Protected Area, some of these SPA species use sub-tidal waters relatively near to the ISB and within the wider Cromarty Firth. There is a growing evidence base around displacement effects on a range of marine waterbirds associated with the presence of marine wind farms<sup>4</sup>. However, to date, turbine assembly has largely been at offshore wind farm sites. Therefore, this development raises novel issues, where huge floating turbines (330m to tip) will be constructed, tested & towed in proximity to SPA species.

We are aware that non-breeding eiders may be sensitive to tall turbine structures, where displacement effects may occur to individuals using these areas. Red-breasted merganser, scaup, eider and goldeneye were either recorded near to the development site, or WeBS data indicates their past presence (see Annex A). Thus, turbine presence at port-side has potential to result in displacement (or disturbance) effects to SPA birds using subtidal waters.

For turbine towing activity within the confines of the Cromarty Firth (during the non-breeding season), then we recommend that Slavonian grebe & long-tailed duck are also scoped in for assessment against this SPA population. These Moray Firth SPA species can be well represented within the Cromarty and could be affected through turbine towing/movement and storage, etc. Should turbine towing occur even closer to the boundary of this SPA, but still within the Port of

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<sup>1</sup> Eider and red-breasted merganser may gather in large numbers to moult from July-Sept.

<sup>2</sup> Many scaup are still present in April.

<sup>3</sup> *Bird Monitoring Methods: a manual of techniques for key UK species*. RSPB.

<sup>4</sup> For example, see Humphreys *et al* (2015). *Collision, Displacement & Barrier Effects Concept Note* (BTO Research Report 669); <https://www.bto.org/our-science/publications/research-reports/collision-displacement-and-barrier-effect-concept-note>; Thompson *et al* (2023). Red-throated Diver Energetics Project: Final Report. JNCC. <https://hub.jncc.gov.uk/assets/5bdf13a1-f5fc-4a73-8290-0ecb7894c2ca>.

Cromarty Firth's jurisdiction, then we recommend that additional SPA species should be scoped in, including red-throated diver and common scoter.

The potential for displacement and/or disturbance effects will depend on birds' responses to presence, movement and other operations linked to such massive structures. Therefore, it would help if the applicant provided more information on this, including spatial extent of towing, destination point, how it will be done, frequency per season & time of day and/or tidal cycle, etc. As timing periods are relatively unknown at this stage, we recommend that several survey visits should occur in late afternoon - leading into sunset, so that any potential SPA related communal / group night roosting zones might be identified. For example, this could be relevant for both long-tailed duck and even Slavonian grebe, should turbine towing occur during the night.

Should turbine towing be specifically planned to occur during the night, then we recommend that the applicant should attempt to identify any nocturnal activity by SPA waterbirds, such as scaup. This species appears to switch into a nocturnal foraging rhythm during core winter months (e.g. December - March), whilst roosting during the day. It is also worth bearing in mind that initial turbine movement at night is likely to be problematic for monitoring the effects to SPA waterbirds in response to these new structures (see Annex A, point ii below). This issue may require further consideration, perhaps balancing up the different daytime and/or nighttime effects (should any occur).

Although the Conservation & Management Advice (CMA) document for this SPA is relatively recent (2021), the Site Condition Monitoring results for most species have since been updated, and these can be viewed on the main Moray Firth SPA webpage, see: <https://sitelink.nature.scot/site/10490>.

#### ***Moray Firth SAC (bottlenose dolphin)***

#### ***Dornoch Firth & Morrich More SAC (harbour seal only)***

We welcome early sight of mitigation identified for bottlenose dolphin and harbour seal (13.4.5 & Table 25.1). This is to include Marine Mammal Protocols for dredging and piling, to be agreed through the species licensing process.

However, it will be important for any Marine Mammal Protocols to be fully presented within the EIA Report to inform the HRA process (in advance of any licencing requirements). In addition, Table 3.5 and 3.15 of the Scoping Report identifies there is potential for Likely Significant Effect to both SAC marine mammals, and an Appropriate Assessment is likely to be required. We agree with this indicative assessment.

#### ***Moray Firth SAC (subtidal sandbanks)***

On the basis that the development will use the existing disposal site off the Sutors, then we agree that significant effects are unlikely to occur. There would appear to be minimal ecological connectivity to this marine habitat for other operations linked to Phase 5. However, we would appreciate its inclusion within the HRA process for completeness.

### 3.2 Other Protected Areas

#### ***Cromarty Firth SSSI***

Red-breasted merganser, redshank, bar-tailed godwit, whooper swan & wigeon are all covered by our advice within the Cromarty Firth SPA, as above.

Should other SSSI interests, such as mudflats and sandflats, etc., have the potential to be affected by construction or operational aspects (even cumulative issues), then this should be scoped in.



Longevity of any adverse impacts is important, and whether effects are likely to be permanent or temporary. Thus, impacts of scale, levels of significance and reversibility for assessment against SSSI features should be captured within the EIA Report (if relevant).

### 3.3 Cumulative effects

We are satisfied with the comprehensive list of projects to be included in the cumulative impact assessment, including wet storage (which is not included as a specific stand-alone aspect).

Taking into consideration the volume of turbines expected to be assembled per annum, the question remains where these turbines will be stored? Wet storage is likely to be away from port-side and outwith vessel channels, thus suitable storage locations may be more favoured by SPA birds using sub-tidal waters. Therefore, we welcome that wet storage is at least being considered as part of a cumulative impact assessment, linked to Protected Areas.

### 3.4 Wider countryside birds

We recognise the biodiversity value of the Invergordon Service Base for breeding eiders and Arctic tern.

#### ***Eiders***

We are aware that eiders may be particularly sensitive to tall turbine structures. However, there are likely to be 'unknowns' in context to any effects that may occur from huge turbines (under construction & during testing) to an active breeding eider colony nearby.

The option to infill Queens Dock may displace breeding eiders that have previously nested close-by. We recommend that the status of this breeding colony is assessed in context to its importance as a 'wider countryside' species (e.g. national, regional or local importance). This would help to put the levels of impact to breeding eiders into context and may help to focus on levels of avoidance or mitigation to come forward within the EIA Report. Although we may not comment on this issue during application stage, we would welcome efforts to help retain the eider colony at the port if that were possible.

#### ***Arctic terns***

We appreciate the partnership approach that has gone into helping manage nesting terns around the port. This has involved the purchase and deployment of a large tern raft (further away from the port), which has been used successfully by breeding common terns. However, we acknowledge that Arctic terns tend to favour land-based infrastructure on which to nest, including port laydown areas.

With the above in mind, we recognise that Arctic terns may decide to nest around an active/working port, causing problems for normal port function (and increasing likelihood of tern disturbance). We continue to advocate 'advance planning' for Arctic terns, in the lead-up & during Phase 5 construction, with full involvement of RSPB & the local ornithological community (as has occurred in the past).

### Concluding comments

We note the intention for the applicant to undertake a Landscape & Visual Impact Assessment (LVIA), which we welcome. However, it is unlikely that we will provide landscape advice for this proposal, instead deferring to Highland Council to assist.

Please get back in touch if you, or the applicants, need clarification or any further information following our advice.



Yours sincerely

**David Patterson**

Operations Officer – North/Central Highland.

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## Annex A – Additional scoping advice & detail.

### *i. WeBS historical counts*

Supportive data from Wetland Birds Survey (WeBS) is available online and could be used. WeBS: <https://app.bto.org/webs-reporting/numbers.jsp> accessed: 18.1.2024 shows the following results:

- **Scaup** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 386 and 711, with a decreasing trend.
- **Long tailed duck** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 34 and 137, with a decreasing trend.
- **Slavonian grebe** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 14 and 58.
- **Red-throated diver** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 1 and 2.
- **Great-northern diver** has been recorded during 2 wintering seasons of the past 5 years (2017-2022), in numbers up to 1 individual.
- **Common scoter** and **velvet scoter** have not been recorded in the past 5 wintering seasons (2017-2022).
- **Goosander** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 1 and 14.
- **Cormorant** has been recorded during all wintering seasons of the past 5 years (2017-2022), in numbers ranging between 25 and 62.

It would be possible for the applicant to request a spatial breakdown of these historical Cromarty Firth counts from the WeBS Partnership. This could be useful to inform potential population distribution within the firth and could help support further survey design and assessment. This would be particularly relevant for species such as scaup, Slavonian grebe, and long tailed duck. However, it should be noted that WeBS may under-record subtidal waterbirds, due to a range of variable factors, such as weather and sea-state conditions. BirdTrack may also provide useful background data, albeit collected on a more *ad hoc* basis, but perhaps in favourable weather conditions.

### *ii Monitoring & adaptive management*

We highlight the importance of developing adaptive management and monitoring in context to novel activities potentially affecting marine interests; see NMP4, GEN9 & GEN20, <https://www.gov.scot/publications/scotlands-national-marine-plan/pages/5/>.

With the above in mind, we already highlight the likely requirement for post-consent monitoring due to the novel nature of operational processes (construction, testing and movement of very large floating turbines). We are eager to enhance the SPA evidence base on displacement **and** disturbance effects within firths, to help inform future applications for Green Free Ports.

We can provide further advice on survey requirements at any time, so please get back in touch if you would like further clarification during this pre-application period.

### *iii Biosecurity*

We recognise opportunities to reduce the introduction of marine invasive non-native species (mINNS) to a minimum and proactively improve the practice of existing port activities. Introduction and spread are most relevant to vessel movements (e.g. due to hull fouling and/or from ballast water, etc.).



**From:** [David Patterson](#)  
**To:** [Luke Frissung](#)  
**Subject:** FW: SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Request for Clarification  
**Date:** 18 March 2024 16:10:13  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[SCOP-0035 - NS Response.pdf](#)

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Hi Luke,

Thanks for requesting clarification of our response (as attached), following your email below. I hope this information helps to clarify our past advice.

### **Cromarty Firth SPA**

Our apologies for any confusion with regard to 'table 2' in our previous advice. Please can I divert your attention to Section 12.2.3, as follows:

- The operational activities detailed under 12.2.3, do not provide a very clear conclusion about which construction and operational activities will be considered for further impact assessment on SPA bird receptors from the Phase 5 development. Therefore, for clarity, we recommend that underwater noise (construction and operational) and navigation (e.g. vessel movements, including cumulative) should be scoped in for assessment.

### **Moray Firth SAC**

Can we also take this opportunity to clarify the following advice, to aid consistency with other Ports & Harbour developments:

- We also recommend that changes in the movements, numbers and distribution of vessels associated with construction and operational aspects should be scoped in for assessment. This is also particularly relevant for cumulative assessment. Previous studies on this issue could be a useful baseline\* . Therefore, we advise there is potential for Likely Significant Effect for bottlenose dolphin in context to this development and other port upgrades. Section 16.5 states that navigation will be scoped out of the EIA.

*\*Modelling the Biological significance of behavioural change in coastal Bottlenose Dolphin in response to disturbance:* <https://besjournals.onlinelibrary.wiley.com/doi/10.1111/1365-2435.12052>.

Please get in touch if you need further information or clarification – thank you.

Kind regards,

David.

**David Patterson | Operations Officer – North / Central Highland**

**NatureScot** | The Links, Golspie Business Park, Golspie, Sutherland KW10 6UB | **t: 01463 701 693**

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**Please note, I normally work Mon-Thurs only.**

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**From:** Luke.Frissung@gov.scot <Luke.Frissung@gov.scot>  
**Sent:** Friday, March 15, 2024 11:42 AM  
**To:** David Patterson <David.Patterson@nature.scot>  
**Subject:** SCOP-0035 - Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5, Invergordon - Request for Clarification

Hi David,

I've been setting out the underwater noise section of the scoping opinion for the above, and would like some clarification on your advice. In section 3.1(b) of your response, you've stated "we recommend that underwater noise and navigation should be scoped-in to table 2." (bottom of p2 of the attached). I can't find a Table 2 in the Scoping Report, so just wanting to clarify what you're requesting. Are you wanting underwater noise and navigation scoped in as standalone topics, or are you looking for these aspects to be scoped in under the biodiversity topic?

Thanks,

Luke

**Luke Frissung**

**Marine Licensing Casework Officer**

**Licensing Operations Team, Marine Directorate**

Scottish Government, 375 Victoria Road, Aberdeen AB11 9DB

Email: [luke.frissung@gov.scot](mailto:luke.frissung@gov.scot)

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**From:** David Patterson <[David.Patterson@nature.scot](mailto:David.Patterson@nature.scot)>

**Sent:** Friday, March 1, 2024 10:12 AM

**To:** Luke Frissung <[Luke.Frissung@gov.scot](mailto:Luke.Frissung@gov.scot)>

**Subject:** Phase 5 - ISB - Port of Cromarty Firth

Dear Luke,

Please find attached our Scoping Response for Phase 5 works at Invergordon Service Base – Port of Cromarty Firth.

I thank you and your colleagues for your understanding during high periods of casework on Ports & Harbours, often involving novel issues.

Please get back in touch if you need any further clarification – thank you.

Best regards,

David.

**David Patterson | Operations Officer – North / Central Highland**

# Marine Directorate – Science, Evidence, Data and Digital



E: [MD-SEDD-RE\\_Advice@gov.scot](mailto:MD-SEDD-RE_Advice@gov.scot)

Tom Inglis  
Marine Directorate Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

**28 March 2024**

### **SCOP-0035 Invergordon Phase 5, Port of Cromarty Firth - Scoping Opinion**

Marine Directorate advisers have reviewed the request from MD-LOT and provide the following advice.

#### **Marine Ornithology**

MD-SEDD have reviewed the relevant documentation: Invergordon Service Base Phase 5 – Scoping Report 15/11/2023, NatureScot scoping consultation response 01/03/2024 and RSPB Scotland scoping consultation response 30/01/2024.

MD-SEDD have the following comments to provide regarding the conflicting recommendations from NatureScot and RSPB Scotland, in response to the Scoping consultation of Invergordon Service Base Phase 5.

In their response to the Scoping Report, NatureScot advise that the risk of collision from turbines being tested at port-side should be very low and vantage point surveys to assess collision risk are not required.



In their response to the Scoping Report, RSPB Scotland state that the position of the turbines in relation to SPA bird breeding sites, and whether there would be impacts to these birds commuting between breeding and feeding sites, is not clear. RSPB Scotland also mention the proposed development's location, adjacent to a European protected site, and suggest that vantage point surveys are undertaken.

MD-SEDD have reviewed all the documentation and disagree with NatureScot that the risk of collision from turbines being tested at port-side is negligible. MD-SEDD advise that collision risk be scoped in and breeding season vantage point surveys to inform collision risk are carried out. This conclusion is based on information that 1) turbine testing will be carried out in the breeding season 2) the proposed development is directly adjacent to an SPA designated for breeding terns, and 3) there is a lack of information on where the turbine testing will be carried out relative to SPA features.

MD-SEDD advise that the Figures in further documents are updated to provide the specific location of the turbine testing activities in relation to breeding SPA features and any known nesting habitats e.g., tern nesting rafts for common tern.

MD-SEDD advise that the risk of disturbance, displacement and habitat loss, especially to the waterfowl assemblage feature of the Cromarty Firth SPA, but also to the common tern breeding feature of the Cromarty Firth SPA, is likely to be a primary pathway to impact and agrees with NatureScot that the potential effects of displacement to SPA features should be considered. Subsequently, MD-SEDD agree that vantage point surveys should be carried out in the non-breeding season, in addition to those advised by MD-SEDD for the breeding season.

Yours sincerely,

## **Renewables and Ecology Team**

Marine Directorate – Science, Evidence, Data and Digital







E: [Redacted]

Luke Frissung  
Marine Directorate Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

**2 February 2024**

**Port of Cromarty Firth (per Affric Ltd) - Invergordon Service Base, Phase 5,  
Invergordon**

Marine Directorate advisers have reviewed the request from MD-LOT and provide the following advice.

**Commercial fisheries**

The scoping report does not include a chapter on Commercial Fisheries nor any reference to commercial fisheries. After consideration of available inshore fisheries data, the Scottish under 12 m vessel data shows that there is either very limited (less than 5 vessels) or no commercial fishing in the Cromarty Firth area near to the development. There is also no facilities or access to the harbour for fishing vessels as the harbour is mainly used as a deep water port for Oil & Gas decommissioning, offshore wind farm fabrication and passenger cruise ships. MD-SEDD therefore have no comments on commercial fisheries.

Yours sincerely,

**Renewables and Ecology Team**

Marine Directorate – Science, Evidence, Data and Digital



# Marine Analytical Unit

## Port of Cromarty Firth – Phase 5

### **Marine Analytical Unit response** **Marine Directorate**

The scoping report for the Phase 5 of the Port of Cromarty Firth development includes a description of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

This is Phase 5 of a large-scale development with Environmental Impact Assessments produced for the previous phases. Given that the scoping report addresses only Phase 5 of the development, we recognise that the analysis for the SEIA should be proportionate.

### **Data sources**

It is noted that the range of data sources presented in the socio-economic chapter of the scoping report is fairly limited. We would expect a broad range of up-to-date data sources to be analysed. Please see Annex 1 for more advice.

### **Economic impacts**

In terms of economic impacts, the socio-economic impact assessment (“SEIA”) should analyse the gross value added (“GVA”) and employment impacts of the proposed development, including the direct, indirect and induced impacts and take account of deadweight, leakage, displacement and substitution. The inclusion of sensitivity analysis to account for risk, uncertainty and optimism bias is also welcomed. The assessment of the employment impacts should focus on the years of employment and type of jobs. If it is possible to supply additional information about the types of jobs that are expected to be created (e.g. part-time, full-time, skilled, unskilled, etc) and how these compare to the existing jobs in the study area, this will add further depth to the analysis.

### **Social impacts**

We agree with the suggestion to scope in the socio-economic impacts of all phases of the development.

Social impacts are covered in separate sections of the scoping report (Section 18 Socioeconomics; Section 20 Human Health). We advise that social impacts mentioned in both sections are assessed within the EIA. We therefore disagree with scoping out impacts associated with Human Health.

Please see Annex 1 for general advice on SEIA and the assessment of social impacts. The assessment should be rigorous and proportionate to the size of the development.

### **Engagement with local communities**

The scoping report mentions that the development is located close to town of Invergordon. Consider whether this is the main impact area for socio-economic impacts, and whether other locations might be affected by the development.

We advise that the assessment of potential socio-economic impacts would benefit from the engagement with local communities (see Methods Toolkit referenced in Annex 1). We would like to see which social and economic impacts are anticipated by local communities. This could be built into any community engagement or consultation activities the developer is planning to use.

Community engagement may be helpful in deciding whether some impacts can be considered as positive or negative effects, and their significance for local people (e.g. with regards to potential increased demand for housing).

### **Conclusions**

Overall, we expect to see a detailed description of the methodology used to assess social and economic impacts in the EIA, including specific details about the methodological approach taken and any key assumptions that underpin any findings. We agree with scoping in socio-economic impacts. We disagree with scoping out impacts associated with human health. We encourage the development to engage with local communities when assessing impacts. The analysis for the SEIA should be proportionate to the development size.

# **Annex 1: General Advice for Socio-Economic Impact Assessment**

## **Marine Analytical Unit (MAU)**

### **Marine Directorate**

#### **December 2023**

This document sets out some suggestions for delivering socio-economic impact assessment drawing on the professional expertise of the Marine Analytical Unit (MAU), Marine Directorate.

### **Section 1. Some general best practice tips**

- Take a proportionate approach to SEIA in line with the size and generating capacity of the development
- Consider offshore and onshore components of the development in the same assessment.
- Employ experts to design and carry out the assessment. The relevant expertise would include:
  - Social research and economist training, qualifications and experience
  - Familiarity and experience with appropriate methods for each discipline (including economic appraisal, social research methods such as surveys, sampling, interviews, focus groups and participatory methods)
- Consider potential secondary socio-economic impacts of any changes that affect the other relevant receptor groups covered in the wider EIA e.g. commercial fisheries, cultural heritage and archaeology and visual impacts.
- Include consideration of the cumulative impact of multiple offshore developments.
- Outline the rationale for scoping out impacts that are deemed to be minimal, including any evidence or analysis that has been used. If this is not provided it can be difficult for MAU to understand why impacts have been scoped out and we may suggest scoping them back in.

### **Section 2. Key components of a Socio-economic Impact Assessment**

We set out below what we consider to be the key steps to an assessment. We recommend a combined approach so that social and economic impacts are covered together in the assessment, whilst acknowledging that different methodologies for social and economic impacts assessment are needed at certain stages, and that the two disciplines are distinct.

We wish to highlight the importance of stakeholder engagement throughout the assessment, and the use of social research methods (see Methods Toolkit referenced at the end of this Annex) to gather primary data and first hand perspectives from particular groups and communities that are affected. These are helpful in order to better understand the nature and degree of impacts that might be caused by changes that are expected occur. A change in itself may or may not bring about tangible impact, impacts may vary for different people or be perceived in different ways, are affected by individual values and attitudes, and conditioned by the context.

Stakeholder engagement and data collection can occur at a number of stages in the SEIA process and may involve similar methodologies but there are important differences to note. The primary aims of stakeholder engagement are to inform, consult or involve key stakeholders, and to communicate information and gather feedback. Data collection, in contrast is a more rigorous analytical process involving:

- Setting out a planned methodology in advance with clear objectives of what you wish to achieve through data collection
- Sampling strategies that take account of the demographic variations in the population and the need to include difficult to reach groups
- Robust methods to collect information from people in a neutral and unbiased way
- Awareness of how data will be analysed and reported on to obtain and disseminate robust conclusions
- Taking account of research ethics including informed consent, and data protection requirements under GDPR

The stages below are divided into the activities that we suggest are **before** the developer submits a request for a scoping opinion and those that are done **after** the scoping phase. We recommend an iterative approach which means that steps inform each other, information is built up over time, and some steps may be repeated or done in a different order.

The key steps should include:

### **Pre-scoping activities**

- 1) Getting started:** Employ economist and social research experts and work with them to develop a plan for the SEIA that sets out data requirements, and the proposed social and economic data collection and impact assessment methodologies, timescales, any data protection considerations, risk assessment and ethical issues that might arise from the work.
- 2) Develop a detailed description** of the planned development and consider the project phases where socio-economic impacts might be experienced (covering development, construction, operation and maintenance and decommissioning phases). Start to map out potential socio-economic impacts and initial consideration of areas of impact on land that will need to be covered.
- 3) Initial scoping of impacts:** develop a broad list of potential impacts informed by experts (including social researcher, economist, local representatives from key groups, community stakeholders and others).
- 4) Define potential impact areas on land** taking into account locations and connections between activities. Different types of impacts may be experienced at different geographic levels, some in the area nearest the landfall or the nearest coastline to the development at sea, and others much further away (at Scotland level, UK level and internationally). The geographical scale at which social impacts are experienced may be different for social impacts compared with economic impacts. There may be multiple epicentres from which impacts radiate

including the site of the development, land-based areas such as landfall and grid connections, construction bases and places from which the development is visible. Activities that take place in the sea are also relevant for defining the impact area on land, for example the location of fishing activity and ports where fish are landed. The definition of the impact area will inform which communities and which sectors are included in the assessment and vice versa, so this exercise needs to be done iteratively with step 3, the initial scoping of impacts.

- 5) **Stakeholder mapping** is required to identify all the people, groups and stakeholders who may be affected by the development and is a first step in order to conduct effective stakeholder engagement. This exercise is informed by the definition of the impact area. A broad approach is recommended. Stakeholders are likely to include local communities, businesses, workers, other users of the sea, interest groups, community councils and so on.

**Steps 4 and 5 may lead to a change in the list of potential impacts so this will need refined/checked.**

- 6) **Stakeholder engagement (with those affected by the development, sea users, communities etc)** is a key requirement of SEIA that is done at different stages of the process. We recommend doing some initial stakeholder engagement before submitting the scoping report. Stakeholder engagement will fulfil a number of requirements:

- **Provide information about the development** so that those who might be affected are able to make an informed judgement about potential impacts
- **Present and refine list of potential impacts based on feedback** - identify impacts that are most relevant and add any additional ones that are identified
- **Collect initial data/ insights from stakeholders** on what potential socio-economic impacts (to be developed later)
- **Build relationships** with the community and key groups affected for later stages of the SEIA process so that they can understand the decisions making process and how they can influence it.

There are many **participatory methodologies** that can be used for effective stakeholder engagement that provide a deliberative space for community discussions.

This stage may also require the setting up of governance structures and a community liaison officer. **Early engagement** with those who might be affected is very important, as is meaningful and inclusive engagement where people feel that they are being listened to and that their feedback will be acted upon. It is important to set out clearly how stakeholder engagement is being done for the SEIA specifically.

- 7) **Gather contextual information** to develop a social and economic profile of the area prior to the development that will help with setting the baseline and impact

prediction, identifying potential industries and communities that might be affected and sources of data that can be used in the assessment. This might include primary data collection using social research methods (such as surveys, interviews, focus groups) as well as desk based analysis (of existing data sets such as fishing data, population data).

Primary data collection may occur alongside participatory activities (e.g. engagement events) but must be done in a rigorous and systematic fashion and the findings should be robustly analysed and incorporated into the SEIA. Impacts that are identified for the other receptors in the wider EIA may also have socio-economic consequences and so it may be important to include these in the SEIA.

#### **8) Produce list of anticipated impacts to be covered in the scoping report**

setting out the range of potential impacts that could occur, building on what has already been done using data and insights that have been collected from various activities described above. Details of the methods that have been used should be included to enable Marine Directorate to determine if the analysis is based on a robust and appropriate approach. Justification should be provided for any impacts that are scoped in or out. This could be based on suggestions made by stakeholders and the public during stakeholder engagement or an assessment based on the analysis of primary and secondary data.

It is helpful if the scoping report includes details on the approach to be used for the SEIA including methods for data collection, planned stakeholder engagement activities and data-sets to be used.

#### **Post scoping activities for the SEIA**

The scoping opinion will advise on the final list of socio-economic impacts to be assessed in the SEIA. This may require additional data collection/ social research to enable a more rigorous assessment of a narrower set of anticipated impacts. It may also require further stakeholder engagement in order to check the significance of impacts with different groups, and the acceptability of mitigation options.

The data and information that has been collected throughout the scoping phase will be used to conduct steps 9, 10 and 11 below.

#### **9) Conduct baseline analysis** to assess the situation in the absence of the development, to provide a point of comparison against which to predict and monitor change. Appropriate social and economic measures should be used for the baseline and cover relevant issues (see section 4 for suggested data sources). Key stakeholders and other interested parties including affected communities and sectors may be aware of baseline data to be included, and this can be explored in the participatory approaches described above. The findings from social research can also be included in the baseline. Note that baseline data can be presented in the scoping report but is also the first stage of the SEIA and so should be included in the SEIA report.



**10) Predict impacts and assess their significance (otherwise known as impact appraisal or options appraisal):** Through analysis, estimate the social and economic changes and their expected impacts, considering any alternative development options and how significant the impacts might be. This is the core part of the assessment and forms the main part of the assessment report. Different methodologies and both primary and secondary data inform this part of the exercise.

Different phases of the development should be covered (development, construction, operation and maintenance) and also transitions between phases (if relevant).

The knock on socio-economic consequences of impacts in other parts of the EIA assessment should be assessed here, such as the impact on commercial fisheries, and impacts on related industries such as tourism could also be included.

It is important to consider distribution of impacts among different social groups (covering protected quality characteristics, socio-economic groups and geographic area where relevant to do so).

Economic impact appraisal should include consideration of:

- Direct, indirect and induced impacts
- Leakage, displacement and substitution effects
- Deadweight
- Cumulative impacts
- Sensitivity analysis to account for risk, uncertainty and optimism bias

There are a range of methodologies for calculating direct, indirect and induced impacts. These include the appropriate use of multipliers, a local content methodology, stakeholder involvement and expert opinion.

Modelling approaches should be realistic, based on robust data, and avoid over promising the economic impacts.

All prices should be presented in real terms (excluding inflation) and should state which year the prices represent.

## **11) Development enhancement, mitigation strategy and complete SEIA report.**

There may be an opportunity for adaptation or other approaches to mitigate potentially adverse impacts and to maximise positive opportunities. This may include engagement with the community to develop a strategy for enhancing benefits and mitigating against impacts; or development of a Community Benefit Agreement (CBA). Again these activities should be done collaboratively with stakeholders where relevant and appropriate.

The SEIA report should clearly set out the methods used in the assessment, justification for decision made such as scoping certain impacts in or out of the

assessment, and the approach to analysis. The report should cover the baseline analysis and results of the impact prediction or appraisal, and distributional impacts. Social and economic impacts can be set out separately (where this makes sense) and together where they overlap.

It is good practice for the report to be reviewed by the people (i.e. the wider group of stakeholders and communities) who were involved in providing data for its production.

### **Section 3. Examples of different types of socio-economic impacts**

In the literature social and economic impacts are defined in many different ways. Sometimes social and economic impacts are covered separately, whilst other sources refer to socio-economic impacts.

The following table sets out some commonly identified socio-economic impacts.

#### **Examples of Socio-economic Impacts from Glasson 2017<sup>1</sup>**

##### **1. Direct economic:**

- GVA
- employment, including employment generation and safeguarding of existing employment;
- characteristics of employment (e.g. skill group);
- labour supply and training; and
- other labour market effects, including wage levels and commuting patterns.

##### **2. Indirect/induced/wider economic/expenditure:**

- employees' retail expenditure (induced);
- linked supply chain to main development (indirect);
- labour market pressures;
- wider multiplier effects;
- effects on existing commercial activities (eg tourism; fisheries);
- effects on development potential of area; and

##### **3. Demographic:**

- changes in population size; temporary and permanent;
- changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and
- settlement patterns

##### **4. Housing:**

- various housing tenure types;

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<sup>1</sup> Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), *Methods of Environmental and Social Impact Assessment*, Abingdon: Routledge

- public and private;
- house prices and rent / accommodation costs;
- homelessness and other housing problems; and
- personal and property rights, displacement and resettlement

#### 5. Other local services:

- public and private sector;
- educational services;
- health services; social support;
- others (e.g. police, fire, recreation, transport); and
- local authority finances

#### 6. Socio-cultural:

- lifestyles/quality of life;
- gender issues; family structure;
- social problems (e.g. crime, ill-health, deprivation);
- human rights;
- community stress and conflict; integration, cohesion and alienation; and
- community character or image

#### 7. Distributional effects:

Distributional analysis is a term used to describe the assessment of the impact of interventions on different groups in society. Interventions may have different effects on individuals according to their characteristics such as income level or geographical location

- effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice

### Section 4: Useful Data Sources for Socio-Economic Impact Assessments

Name	Summary	Link to Source
Statistics.gov.scot	Contains a wide range of data by local authority and other geographic breakdowns. Has a search by subject and area option.	<a href="https://statistics.gov.scot">statistics.gov.scot</a>
Marine Economic Statistics, 2019	Annual economic statistics publication including GVA and employment data for marine economy sectors.	<a href="https://www.gov.scot/Topics/Statistics/Scotland/2019/marine">Scotland's Marine Economic Statistics 2019 - gov.scot (www.gov.scot)</a>

<p>Scottish Sea Fisheries Statistics, 2021</p>	<p>Provides data on the tonnage and value of all landings of sea fish and shellfish by Scottish vessels, all landings into Scotland, the rest of the UK and abroad, and the size and structure of the Scottish fishing fleet and employment on Scottish vessels.</p>	<p><a href="http://www.gov.scot">Summary - Scottish Sea Fisheries Statistics 2021 - gov.scot (www.gov.scot)</a></p>
<p>Scottish Shellfish Farm Production Survey 2021</p>	<p>Statistics on employment, production and value of shellfish from Scottish shellfish farms.</p>	<p><a href="http://www.gov.scot">Scottish Shellfish Farm Production Survey 2021 - gov.scot (www.gov.scot)</a></p>
<p>Scottish Annual Business Statistics 2020</p>	<p>Scottish Annual Business Statistics (SABS) presents estimates of employment, turnover, purchases, Gross Value Added and labour costs. Data are provided for businesses that operate in Scotland. Data are classified according to the industry sector, location and ownership of the business.</p>	<p><a href="http://www.gov.scot">Scottish Annual Business Statistics 2020 - gov.scot (www.gov.scot)</a></p>
<p>Sub-Scotland Economic Statistics Database</p>	<p>The Sub-Scotland Economic Statistics Database provides economic, business, labour market and population data for Scotland, and areas within Scotland.</p>	<p><a href="http://www.gov.scot">Sub-Scotland Economic Statistics Database - gov.scot (www.gov.scot)</a></p>
<p>Nomis Official Labour Market Statistics</p>	<p>Labour market statistics including data on employment, unemployment, qualifications, earnings etc.</p>	<p><a href="http://nomisweb.co.uk">Nomis - Official Labour Market Statistics (nomisweb.co.uk)</a></p>
<p>Economics of the UK Fishing Fleet 2020</p>	<p>Economic estimates at UK, home nation and fleet segment level for the UK fishing fleet. The estimates are calculated based on samples of fishing costs and earnings gathered by Seafish as part of the 2020 Annual Fleet Economic Survey.</p>	<p><a href="#">Economics of the UK Fishing Fleet 2020 — Seafish</a></p>

Scotland's Census, National Records of Scotland	Census data that provides information about the characteristics of people and households in the country.	<a href="https://www.nrscotland.gov.uk">Scotland's Census   National Records of Scotland (nrscotland.gov.uk)</a>
Scottish Index of Multiple Deprivation	Collection of documents relating to the Scottish Index of Multiple Deprivation - a tool for identifying areas with relatively high levels of deprivation.	<a href="https://www.gov.scot">Scottish Index of Multiple Deprivation 2020 - gov.scot (www.gov.scot)</a>
The Green Book	HM Treasury guidance on how to appraise and evaluation policies, projects and programmes.	<a href="https://www.gov.uk">The Green Book: appraisal and evaluation in central government - GOV.UK (www.gov.uk)</a>
The Magenta Book	HM Treasury guidance on evaluation. Chapter 4 provides specific guidance on data collection, data access and data linking.	<a href="https://www.gov.uk">The Magenta Book - GOV.UK (www.gov.uk)</a>
Enabling a Natural Capital Approach (ENCA)	Supplementary guidance to The Green Book. ENCA resources include data, guidance and tools to help understand natural capital and know how to take it into account.	<a href="https://www.gov.uk">Enabling a Natural Capital Approach (ENCA) - GOV.UK (www.gov.uk)</a>

## Section 5: Further sources of guidance:

HM Treasury guidance on how to appraise and evaluate policies, projects and programmes: [The Green Book: appraisal and evaluation in central government](https://www.gov.uk)

Best practice in Social Impact Assessment according to the International Association for Impact Assessment: [Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects](https://www.iaia.org)

The project A two way Conversation with the People of Scotland on the Social Impacts of Offshore Renewables (CORR/5536) has developed elements of a conceptual framework on social values that can be used to support and inform existing processes for assessing the potential social impacts of offshore renewables plans: [Offshore renewables - social impact: two way conversation with the people of Scotland](https://www.gov.uk)

Best practice guidance for assessing the socio-economic impacts of OWF developments: [Guidance on assessing the socio-economic impacts of offshore wind farms \(OWFs\)](https://www.gov.uk)

A toolkit of methods available to assist developers, consultants, and researchers carrying out socio-economic impact assessments: [Methods Toolkit for Participatory Engagement and Social Research - gov.scot \(www.gov.scot\)](https://www.gov.scot)